



**STATE OF NEW JERSEY**

In the Matter of Steven DeFelice,  
Supervisor Sanitation (PM2868B),  
Monroe Township

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2022-959

Examination Appeal

**ISSUED: JUNE 20, 2022 (RAM)**

Steven DeFelice appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Supervisor Sanitation (PM2868B), Monroe Township.

By way of background, the announcement for the subject examination was issued on October 1, 2020 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and was serving in the title of Assistant Supervisor Sanitation *or* to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and who possessed three years of experience in work involving the collection and disposal of refuse as of the October 21, 2020 closing date. It is noted that the appellant was the only applicant who filed for the subject examination. Consequently, the examination had been cancelled, effective June 28, 2021, due to a lack of qualified applicants.

On his application, the appellant listed his provisional work experience in the subject title from March 2019 to October 2020 and his prior work experience as an Equipment Operator from June 2015 to March 2019, a “Driver”<sup>1</sup> from September 2000 to June 2015, and a “Laborer”<sup>2</sup> from July 2000 to September 2000 with Monroe Township.

<sup>1</sup> Agency records indicate that the appellant’s actual title was Truck Driver.

<sup>2</sup> Agency records indicate that the appellant’s actual title was Laborer Heavy.

Upon a review of the appellant's application, Agency Services credited the appellant with one year and eight months of provisional experience he gained in the subject title as of the October 21, 2020 closing date. The appellant's work experience as an Equipment Operator was deemed to be inapplicable as there was no indication of experience in the collection and disposal of refuse. It was also determined that the appellant's job functions as a Truck Driver and Laborer Heavy indicated some duties of collection and disposal of refuse, however, the duties were not the primary focus of the job. Thus, Agency Services determined that the appellant lacked one year and three months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant states that he has 19 years of experience with the Monroe Township's Public Works in the collection and disposal of refuse and reiterates his experiences listed on his application. It is noted that agency records indicate that the appellant has been serving as a Supervisor Sanitation, provisionally pending promotional examination procedures, since March 7, 2019.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination based on the review of his application. As such, it found that the appellant lacked one year and three months of required experience as of the October 21, 2020 closing date. However, a review of agency records indicates that the appellant possessed one year and eight months of provisional experience prior to the examination closing date. The record also indicates that the appellant continues to serve provisionally in the subject title.

Thus, the Commission finds that, for examination eligibility purposes, the appellant has been performing the duties of the title under test since March 2019. Therefore, he now possesses enough applicable experience based on this service. Moreover, absent accepting the appellant's provisional experience after the closing date, no other eligible candidate can be appointed. As previously noted, the subject examination had been cancelled. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's provisional experience after the closing date and admit him to the examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer

---

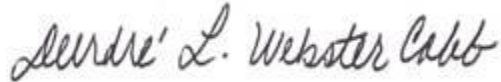
individuals are presented with appointments and/or advancement opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

**ORDER**

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 15<sup>TH</sup> DAY OF JUNE 2022



---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Richard DiLucia  
Christine Scola  
Division of Agency Services  
Records Center