



STATE OF NEW JERSEY

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

In the Matter of Anthony Livelli, Jr.,
Supervising Welder (PC2755W),
Union County

CSC Docket No. 2019-3176

Examination Appeal

ISSUED: September 12, 2019 (RE)

Anthony Livelli, Jr. appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Supervising Welder (PC2755W), Union County.

The subject examination announcement was issued with a October 22, 2018 closing date, 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 in the titles Welder and Senior Welder, OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. These requirements included successful completion of a two-year training program in basic welding operations and three years of varied experience in welding which shall have included oxyacetylene and arc welding and cutting. Applicants who did not possess the required two years of training could substitute additional experience as indicated above on a year for year basis. The appellant was found to be ineligible based on a lack of experience. He was the only applicant, and the examination was cancelled on May 12, 2019.

The appellant did not indicate that he possessed the required training, and he listed four positions on his application, Supervising Welder, Assistant Supervising Mechanic, Senior Mechanic, and Mechanic. As he did not indicate the use of oxyacetylene and arc welding and cutting, he was found to be lacking five years of applicable experience per the substitution clause for training.

On appeal, the appellant states that he has one year, two months of experience as a provisional in the subject title. He also states that he performed welding duties since the separation of service of the former Supervising Welder in July 2011, and while in the titles Assistant Supervising Mechanic and Senior Mechanic. The appointing authority verifies that the appellant performed out-of-title welding duties for over 50% of the time from July 2011 to his September 2017 as a provisional in the subject title, and it states that would appoint him from the eligible list.

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. *N.J.A.C.* 4A:4-2.6(c)1 provides that except when permitted by the Chairperson or designee for good cause, applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

In the present matter, primarily performing welding duties while in the Assistant Supervising Mechanic and Senior Mechanic titles would be considered out-of-title work. However, the appellant has one year, two months of provisional service, and the appointing authority has verified that the appellant has at least an additional three years, ten months of applicable welding experience. Additionally, the subject examination was cancelled, and the appellant continues to serve provisionally in the title under test. Under these circumstances, good cause exists to accept the out-of-title work experience and admit him to the subject examination. However, this decision is based on the limited facts of this situation and shall not be used as precedent in any other proceeding.

ORDER

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

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 10th DAY OF SEPTEMBER, 2019



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