

then sought assistance from the appointing authority regarding consideration for appointment to the position. The appointing authority maintains that Mr. Drol has been performing the duties of Road Repair Supervisor full-time since 2010, and for six years prior to that, had been doing so for two days a week. Official records indicate that he was provisionally appointed to the subject title in June 2014, three months after the closing date.

Mr. Maguire listed three positions on his application; provisional Road Repair Supervisor, Equipment Operator, and Truck Driver. He was credited with 19 years of general experience, and 4 months of lead worker experience in his provisional position in the subject title. Thus, he was found to be lacking eight months of lead worker experience. On appeal, Mr. Maguire states that he has been supervising Road Repairers since January 2011, and he provides a few supervisory duties, as well as other tasks performed by him.

Mr. Timoldi also listed three positions on his application: provisional Road Repair Supervisor, Equipment Operator, and Truck Driver. He was credited with 19 years of general experience, and 4 months of lead worker experience in his provisional position in the subject title. Thus, he was found to be lacking eight months of lead worker experience. On appeal, Mr. Timoldi indicates that he has been directly supervising Road Repairers since 2010 and he also provides a few supervisory duties and other tasks.

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)* provides in pertinent part that 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, unless good cause is shown for an exception.

CONCLUSION

Initially, the appellants were correctly deemed to be ineligible for the subject examination since they lacked the minimum requirements in lead worker experience. However, the appointing authority has verified out-of-title work for each of the applicants. It states that Messrs. Maguire and Timoldi have performed out-of-title duties supervising road team workers and taking the lead on projects and road repairs since the beginning of 2012, and that Mr. Drol has been doing so since the beginning of 2011. With the acceptance of this out-of-title work, the appellants possess the required lead worker experience. The examination was not competitive, with no admitted candidates, and the appellants remain in their provisional positions as Road Repair Supervisors. Thus, based on the documentation submitted and under these circumstances, good cause exists to

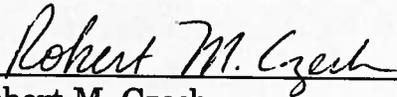
accept this out-of-title work experience to satisfy the requirements for the Road Repair Supervisor examination.

ORDER

Therefore, it is ordered that these appeals be granted, the examination cancellation be rescinded, and the appellants' applications 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 6th DAY OF NOVEMBER, 2014**



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Brad Drol
Terrence Maguire
Angelo Timoldi
Anthony De Nova
Kenneth Connolly
Dan Hill
Joseph Gambino