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STATE OF NEW JERSEY

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

In the Matter of Brad Drol, *et al.*,
Road Repair Supervisor (PC0422S),
Passaic County

CSC Docket Nos. 2015-1002
2015-328
2015-320

Examination Appeals

ISSUED: NOV 07 2014

(RE)

Terrence Maguire, Angelo Timoldi, and the appointing authority, on behalf of Brad Drol, appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Road Repair Supervisor (PC0422S), Passaic County. These appeals have been consolidated due to common issues.

The subject examination announcement was issued with a closing date of March 21, 2014, 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 who were serving in the title Road Repairer OR who were serving in any competitive title and met the announced requirements. These requirements included four years of experience in the construction, repair, and maintenance of roads or streets which may have included work involving installation and maintenance of traffic lines and traffic signs, one year of which shall have been in a lead worker capacity. The appellants were found to be below the minimum requirements in experience. As they were the only applicants, the examination was cancelled on August 8, 2014.

Mr. Drol listed one position on his application, that of Equipment Operator. He was credited with 12 years, 3 months of general experience and found to be lacking 1 year of lead worker experience. On his behalf, the appointing authority appealed that his position had recently undergone a classification review, and the results are not yet available. Upon receipt of his Notification of Ineligibility, Mr. Drol contacted CPM regarding filing an appeal, and was advised not to do so. He

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

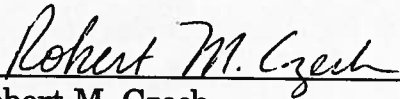
accept this out-of-title work experience to satisfy the requirements for the Road Repair Supervisor examination.

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



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