

B-44



STATE OF NEW JERSEY

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

In the Matter of Michael Brightly,
Road Repairer 1 (PC0722S),
Atlantic County

CSC Docket No. 2015-818

Examination Appeal

ISSUED: NOV 07 2014

(RE)

Michael Brightly appeals the decision of the Division of Selection Services (DSS) which found that he did not meet the experience requirements for the promotional examination for Road Repairer 1 (PC0722S), Atlantic County.

The subject examination announcement was issued with a closing date of June 21, 2014. The examination was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the titles Cemetery Caretaker, Laborer 1, Maintenance Worker 1 Grounds and Truck Driver and met the announced requirements 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 met the announced requirements. These requirements included one year of experience in the cleaning, maintenance, and repair of roads or streets which may include work involving the installation and maintenance of traffic lines and signs, or one (1) year of experience as a laborer in a public works department. Appointees must also possess a valid Commercial Driver's License (CDL), class B, air brake and tanker endorsements. The appellant was found to be ineligible based on a lack of experience. Two candidates appear on the eligible list, which was certified once, but no appointments have yet been made.

Mr. Brightly listed four positions on his application: Owner of a specialized landscaping business, Foreman/Skilled Craftsman for a construction firm, and Foreman/Skilled Craftsman and Skilled Craftsman for a family business. None of this experience was accepted and the appellant was found to be lacking one year of

applicable experience. Official records indicate that the appellant had been appointed in the non-competitive division as a Laborer 1 in March 2013, and had been provisionally appointed pending promotional examination to Road Repairer in April 2014.

On appeal, the appellant argues that he realized he neglected to list duties that he has actively engaged in since his employment in March 2013. He states that in his employment with Atlantic County he has been preparing and patching potholes (with both cold patch and hot asphalt); mowing road shoulders and intersections; weed beating road shoulders, curb lines, telephone poles and mailboxes; milling and hot asphaltting bad road sections; hot asphalt driveway aprons; brushing back road signs and intersections; crack sealing roads; applying brine to roadways with both mini dump trucks and full size single axle dump trucks; applying salt to roadways; plowing snow off roadways, intersections and parking lots; traffic control / flagging; setting up work zones; operating Atlantic County Public Work's backhoe, Skid-Steer, articulated wheel loader, roller, excavator, tandem axle dump truck, low-boy tractor trailer etc.; repairing damaged drain pipes and systems; installing new drain pipes, both plastic and concrete; repairing damaged drain basins and culverts; installing new drain basins and drain pipe bulkheads; bridge maintenance; repairing bridges; repairing guiderail/guardrail and posts; installing new guiderail/guardrail, posts and ends; loading salt trucks; cleaning and maintenance of brine tanks and brine manufacturing system; designing, manufacturing, and installing custom brine tank systems on County trucks; and providing maintenance and repair on flail mowers and snow plows.

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date.

CONCLUSION

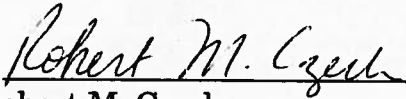
Initially, the appellant was correctly deemed ineligible as he did not include his governmental service on his application. Nevertheless, he did so on appeal. The appellant has clearly indicated that he has been doing required duties in his provisional position, and he possessed one year of continuous permanent service as a Laborer 1 by March 4, 2014, three months before the closing date. The examination was not competitive, with two admitted candidates, and the appellant is still serving in his provisional position. Under these circumstances, the appellant should be admitted to the examination.

ORDER

Therefore, it is ordered that this appeal be granted.

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

A handwritten signature in cursive script, reading "Robert M. Czech", is written over a horizontal line.

Robert M. Czech
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