



CSC
B-63

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Douglas Phillips,
Assistant Sewer
Superintendent/Assistant Water
Superintendent (PM1213S), Monroe
Township Utilities Authority

Examination Appeal

CSC Docket No. 2015-1903

ISSUED: MAY 08 2015 (HS)

Douglas Phillips appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Assistant Sewer Superintendent/Assistant Water Superintendent (PM1213S), Monroe Township Utilities Authority.

The subject examination announcement was issued with a closing date of September 22, 2014. The examination was open to employees who possessed two years of supervisory experience in the construction, maintenance and repair of sewers (sewer experience) *and* four years of experience in the maintenance, operation and repair of a water distribution and/or water treatment system, three years of which shall have been in a supervisory capacity (water experience). It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled.

On his application, the appellant indicated that he served as a "Supervisor" from June 1986 to the closing date¹ and that his major duties were to oversee the entire Operations Department on a daily basis; prepare payroll time cards; and to be on-call 24 hours per day. He also indicated that he supervised four professional

¹ Agency records indicate that the appellant served as a Laborer 1 from March 3, 1986 to January 10, 1989; as a Heavy Equipment Operator/Water Repairer from January 11, 1989 to April 30, 1994; as a Sewer Repairer 2/Water Repairer 2 from May 1, 1994 to May 10, 2000; as a Mechanic/Public Works Repairer from May 11, 2000 to May 27, 2014; as a provisional Sewer Repair Supervisor/Water Repair Supervisor from May 28, 2014 to June 24, 2014; and as a provisional Assistant Sewer Superintendent/Assistant Water Superintendent from June 25, 2014 through the closing date.

staff members. Agency Services credited the appellant with sufficient applicable *general* water experience. However, it only credited him with five months of *supervisory* water experience and five months of *supervisory* sewer experience, for his provisional service as Sewer Repair Supervisor/Water Repair Supervisor and Assistant Sewer Superintendent/Assistant Water Superintendent. Agency Services noted that any applicable supervisory duties the appellant may have performed from May 1994 to April 2014 would be out-of-title. Therefore, he was found to be lacking two years and seven months of supervisory water experience *and* one year and seven months of supervisory sewer experience.

On appeal, the appellant states that he has been a supervisor since January 1, 2006. He reiterates that he oversees the supervisors on a daily basis and is on-call 24 hours per day for all of the Operations employees.

In support of this appeal, the appointing authority states that the appellant has been performing most or all of the functions found in the job specification for the subject title since January 1, 2006. It states that the appellant oversees the supervisors; performs preparation for the annual budget; approves leaves; and is on-call for all Operations employees 24 hours per day. The appointing authority also submits leave approvals signed by the appellant as a supervisor. Finally, it notes that there was an administrative error in not appointing the appellant to the subject title sooner.

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)* provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked two years and seven months of supervisory water experience *and* one year and seven months of supervisory sewer experience as of the September 22, 2014 closing date. On appeal, both the appellant and the appointing authority state that the appellant has been performing applicable duties since January 1, 2006, when the appellant was still serving in the title of Mechanic/Public Works Repairer. However, the appellant's performance of applicable duties while serving in that title would be considered out-of-title work. Ordinarily, the Civil Service Commission (Commission) looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent

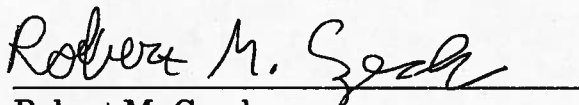
appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In this particular situation, the record evidences that the examination situation is not competitive since the examination was cancelled, and therefore, no third parties are adversely impacted. The appointing authority has indicated that the appellant has been performing applicable out-of-title duties since January 1, 2006. This represents more than eight additional years of applicable supervisory experience. As such, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination 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 6TH DAY OF MAY, 2015



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