

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Joseph Saraiva, Maintenance Supervisor (PM2662T), Hazlet

CSC Docket No. 2016-3577

Examination Appeal

ISSUED:

MOV 1 6 2016

(SLK)

Joseph Saraiva appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Maintenance Supervisor (PM2662T), Hazlet.

The examination at issue was announced with specific requirements that had to be met as of the December 21, 2015 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On Mr. Saraiva's application, he indicated that he was a Maintenance Supervisor from July 2002 to the December 21, 2015 closing date. Personnel records indicate that he was provisionally serving in the subject title from July 2014 to the December 21, 2015 closing date, a Senior Maintenance Repairer from November 2007 to July 2014, a Maintenance Repairer from January 2003 to November 2007, and a Laborer 1 from July 2002 to January 2003. Agency Services credited him with having met the general experience requirement and one year and six months of supervisory experience, but determined that he lacked six months of supervisory experience.

On appeal, Mr. Saraiva states that he supervises 20 employees and oversees buildings and ground operations which includes Town Hall, the police headquarters, the town library, public works building and maintaining five parks. He presents that he assists with the supervision of the streets and roads, recycling,

and sewer division and opens and closes the town swim club. He indicates that he plans the removal of snow and plans for other weather emergencies.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. Further, N.J.A.C. 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having met the general experience requirement and one year and six months of supervisory experience, but determined that he lacked six months of supervisory experience to establish eligibility. Any relevant supervisory experience the appellant gained as a Senior Maintenance Repairer would be out-of-title-work. However, the record evidences that the list is incomplete as the examination was cancelled due to a lack of qualified candidates. Further, the appellant has gained the additional supervisory experience to satisfy the experience requirement after the closing date and the appellant continues to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept Mr. Saraiva's supervisory experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that the 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 NOVEMBER, 2016

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries and Correspondence

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

Attachment

c: Joseph Saraiva Evelyn Grandi Kelly Glenn Records Center NEW JERSEY CIVIL SERVICE COMMISSION COUNTY AND MUNICIPAL GOVERNMENT SERVICES PROMOTIONAL ANNOUNCEMENT



Click here to file Online Print
\$25,00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PM2662T

TITLE: MAINTENANCE SUPERVISOR

ISSUE DATE: December 01, 2015
TITLE CODE: 02387/ X4RNR1
LIBISDICTION: HAZLET

WEIGHT CODE: *

SALARY: \$50,000.00 - \$70,000.00

CLOSING DATE: December 21, 2015

JURISDICTION CODE: T13390014

JURISDICTION: HAZLET
DEPARTMENT: PUBLIC WORKS

Visit www.state.nj.us/csc And select "Job Announcements" to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Assistant Maintenance Supervisor 00604

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Experience: Five (5) years of experience in work involving the construction or repair and maintenance of building and grounds, two (2) years of which shall have been in a supervisory capacity.

License: Appointees must possess a driver's license valid in New Jersey. Appointees may also be required to possess a valid Commercial Driver's License (CDL) and applicable endorsements for the class and type of vehicle being operated.

Note: The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

DPF-256A * Revised 03/09

^{1.} NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.

^{2.} ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.

3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-

time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.

4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.

^{5.} In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).

^{6.} If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.