



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Edward Soden, Road
Repair Supervisor (PM2685T),
Township of Lawrence

Examination Appeal

CSC Docket No. 2016-3914

ISSUED: **JAN 20 2017** (ABR)

Edward Soden 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 Road Repair Supervisor (PM2685T), Township of Lawrence.

The subject examination was announced with a closing date of December 21, 2015 and was open, in relevant part, to employees who possessed 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. It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled on May 4, 2016, after he was deemed ineligible.

On his application, the appellant indicated, in relevant part, that he served provisionally as a Road Repair Supervisor from December 2015 to the closing date of the examination (December 2015); as an "Assistant Supervisor/Traffic Maintenance" from July 2015 to December 2015 and as a Road Repairer 1 from January 2013 to July 2015.¹ Agency Services credited the appellant with three years of applicable experience based upon his service as a provisional Road Repair Supervisor and as a Road Repairer 1, including one month of applicable lead worker experience based upon his provisional service as a Road Repair Supervisor.

¹ Agency records indicate that the appellant served as a Road Repairer 1 from January 2013 to December 2015.

However, Agency Services determined that none of his other listed experience was applicable. Consequently, Agency Services deemed the appellant ineligible for the subject examination because he lacked an additional one year of applicable experience, which included 11 additional months of lead worker experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that he possesses sufficient applicable experience for the subject examination, including lead worker experience based upon his service as an "Assistant Supervisor" from June 2015 to December 2015 and as a provisional Road Repair Supervisor since December 2015.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional announcement by the closing date.

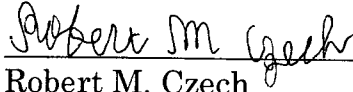
Initially, it is noted that Agency Services correctly credited the appellant with three years of applicable experience, including one month of lead worker experience, based upon his service as a Road Repair Supervisor and as a Road Repairer 1. However, a review of the record indicates that the appellant continues to serve provisionally in that the subject title, thereby providing him with an additional one year of applicable experience. Additionally, the record indicates that the examination situation is not competitive, since the subject examination was cancelled. In this regard, *N.J.A.C. 4A:1-1.2(c)* provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject 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 18TH DAY OF JANUARY, 2017



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