



STATE OF NEW JERSEY

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

In the Matter of Matthew Gatto
Inspector Road Openings (PC0416V),
Passaic County

Examination Appeal

CSC Docket No. 2018-600

ISSUED: October 24, 2017 (RE)

Matthew Gatto appeals the determination of the Division of Agency Services that found that he did not meet the experience requirements for the promotional examination for Inspector Road Openings (PC0416V), Passaic County.

The subject promotional examination had a closing date of May 22, 2017 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 met the announced requirements. These requirements included one year of experience in maintenance and construction work which shall have included the reading and interpreting of plans and specifications. The appellant was found to be below the experience requirements. As there were no admitted candidates, the examination was cancelled on September 8, 2017.

On his application, the appellant listed one position, provisional Inspector Road Openings from July 2013 to May 2017. In a supplement to his appeal, he indicated he was a provisional in the subject title from September 2016 to the closing date, and Road Repairer 1 from August 2015 to September 2016, and he provided a separate set of duties for the second title. He was credited with nine months of experience in his provisional position, and found to be lacking three months of qualifying experience.

On appeal, the appellant indicates that in January 2016 he began performing the duties of an Inspector Road Openings for about 2/3 of his time, and he provides a list of those duties. The Director of Human Resources confirms those duties.

N.J.A.C. 4A:4-2.6(a)2 provides that an applicant shall meet all the requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax the rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

CONCLUSION

In this matter, there were no admitted candidates and the appellant continues to serve in his provisional position. Since the closing date, the appellant has accrued at least three months of additional experience in his provisional position. As such, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept the appellant's experience after the closing date and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted 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
THE 18th DAY OF OCTOBER, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

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