



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ronald Breuer,
Supervisor Public Works (PM1732U),
Linden

Examination Appeal

CSC Docket No. 2017-2332

ISSUED: **MAY 19 2017** (SLK)

Ronald Breuer 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 Supervisor Public Works (PM1732U), Linden.

The examination at issue was announced with specific requirements that had to be met as of the August 22, 2016 closing date (see attached). A total of four employees applied for the subject examination and three were deemed eligible. Certification PL170074 was issued and the three eligibles were appointed to the subject title.

On appeal, the appellant presents that he has over 27 years working for the appointing authority. He provides examples of street maintenance and repair work that he performed while working in the Traffic and Maintenance Division. Additionally, the appellant states, while working in the Recycling Center in the winter months, he snowplowed city parking lots and repaired city property and streets.

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. *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.

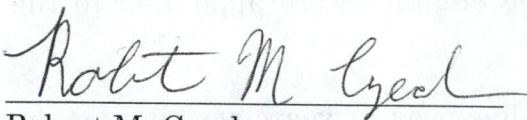
Initially, Agency Services correctly determined that the appellant did not meet the required experience as his primary duties as a Municipal Recycling Coordinator from February 2012 to the August 22, 2016 closing date and a Laborer 1 from March 1994 to February 2012 involved recycling and sanitation work. However, as a Traffic Maintenance Worker from November 1990 to March 1994, the appellant's primary duties involved street and repair maintenance. Additionally, even in the appellant's other positions, some of his duties involved street repair and maintenance. Therefore, although the appellant's work experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of Mr. Breuer's work involving street repair and maintenance since November 1990, as well as his provisional service in the subject title, which began in January 2017, warrants his admission to the subject examination. Additionally, the list is incomplete as there are no names currently on the eligible list. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the totality of Mr. Breuer's experience, including his experience after the closing date, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and Ronald Breuer's application be processed for prospective employment opportunities only.

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 17th DAY OF MAY, 2017



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: Ronald Breuer
Alexis Zack
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: **PM1732U**

WEIGHT CODE: *

TITLE: **SUPERVISOR PUBLIC WORKS**

SALARY: **\$69,500.00 - \$108,084.00**

ISSUE DATE: **August 01, 2016**

CLOSING DATE: **August 22, 2016**

TITLE CODE: **06650/ HBRVR1**

JURISDICTION CODE: **N20090038**

JURISDICTION: **LINDEN**

DEPARTMENT: **PUBLIC PROPERTY COMMUNITY SERVICES**

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 Supervisor of Public Works 06651

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: Four (4) years of experience in construction, maintenance, and/or repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction work.

Note: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

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

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.**

DPF-256A * Revised 03/09