



STATE OF NEW JERSEY

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

In the Matter of Ryan Balog,
Assistant Engineer in Charge of
Maintenance 1 (PS2764I), Edna
Mahan Correctional Facility

Examination Appeal

CSC Docket No. 2017-1288

ISSUED: JULY 19, 2017 (ABR)

Ryan Balog 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 Engineer in Charge of Maintenance 1 (PS2764I), Edna Mahan Correctional Facility.

The subject examination was announced with a closing date of May 23, 2016 and was open to applicants with four years of supervisory experience in charge of the operation and maintenance of utilities and maintenance programs of an institution, college or similar multi-building complex. It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled on October 21, 2016, as he was deemed ineligible.

On his application, the appellant stated, in relevant part, that he served as a Crew Supervisor Building Maintenance Programs (Crew Supervisor) from August 2003 to the closing date of the subject examination (May 2016); as a Plumber and Steamfitter from August 2003 to June 2010; and as a Lead Installer with Awning Products in January 2002. Agency records indicate that he served as a provisional Assistant Engineer in Charge of Maintenance 1 from March 2016 to the closing date of the subject examination; as a Crew Supervisor from April 2013 to March 2016; and as a Plumber and Steamfitter from August 2003 to April 2013. Agency Services credited the appellant with three years of applicable supervisory experience based upon his service as a provisional Assistant Engineer in Charge of Maintenance 1 and as a Crew Supervisor. However, it determined that his remaining experience did not constitute applicable experience for the subject examination. Consequently,

Agency Services deemed him ineligible for the subject examination because he lacked an additional one year of applicable supervisory experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that he should be deemed eligible for the subject examination based upon the 14 years of supervisory experience he possesses through his work as an Assistant Engineer in Charge of Maintenance 1, as a Crew Supervisor, as a Plumber and Steamfitter, and as a Lead Installer with Awning Products. He submits, in relevant part, letters of support from his supervisor, William Anderson, Administrator, and from Brian O'Neill, Engineer in Charge of Maintenance, that speak to his selection, duties, and performance as a provisional Assistant Engineer in Charge of Maintenance 1.

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.

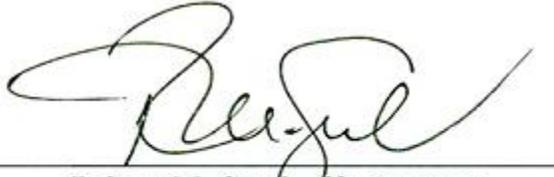
Initially, it is noted that Agency Services correctly credited the appellant with three years of applicable experience, based upon his service as a provisional Assistant Engineer in Charge of Maintenance 1 and as a Crew Supervisor. There is no indication in the record that the appellant's work in any other position constitutes applicable experience for the subject examination. However, a review of the record shows that the appellant continues to serve provisionally in 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 13TH DAY OF JULY, 2017



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