



STATE OF NEW JERSEY

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

In the Matter of Kenneth Rivera,
Equipment Operator (PC1980U),
Union County

Examination Appeal

CSC Docket No. 2017-2997

ISSUED: August 21, 2017 (RE)

Kenneth Rivera appeals the determination of the Division of Agency Services that found that he did not meet the experience requirements for the promotional examination for Equipment Operator (PC1980U), Union County.

The subject promotional examination had a closing date of November 21, 2016 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 the operation and maintenance of construction and maintenance equipment. The appellant was found to be below the experience requirements. One candidate was admitted and removed from the list.

On his application, the appellant listed one position, provisional Equipment Operator from September 2016 to November 2016. He was credited with three months of experience for this position, and found to be lacking nine months of qualifying experience.

On appeal, the appellant indicates that he has been employed by Union County for 16½ years, and he provides information for two additional positions, Road Repairer and Laborer.

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 was only one admitted candidate and the appellant continues to serve in his provisional position. Since the closing date, the appellant has accrued at least nine 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 16th DAY OF AUGUST, 2017



Robert M. Czedo, Chairperson
Civil Service Commission

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