

Maintenance Worker 2 from July 1995 to June 2013, a Sanitation Worker from November 1991 to July 1995, and as a Laborer 1 from July 1991 to November 1991. He was credited with three years, five months in the first two positions, and found to be lacking seven months of required experience.

On appeal, the appellant provides a list of duties that he states he has performed since September 2012 on a daily basis, and argues that he has 52 months of applicable experience. In support, the Director of Public Works states that in 2012 the appellant performed the duties of a supervisor with the Division of Roads on an as needed basis from September 2012 to June 2013.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all 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.

By way of background, the appellant's prior employment history was reviewed in *In the Matter of Julio Vega, Maintenance Supervisor Grounds (PM0597S), Perth Amboy* (CSC, decided May 6, 2015). The requirements for Maintenance Supervisor Grounds were three years of experience in the care and maintenance of grounds, one year of which must have been in a lead worker or supervisor capacity. It is noted that qualifying experience has the announced experience as the primary focus. The amount of time, and the importance of the duty, determines if it is the primary focus. In its May 6, 2015 decision, the Commission indicated that the appellant's supervisor submitted a letter verifying that he performed the out-of-title work of *the subject title* since 2011, and the Commission credited him with this out-of-title work and admitted him to the examination. Thereafter, the list for (PM0597S) was certified three times with the appellant's name. The first certification was cancelled as the position was to be left vacant, and afterwards the appellant was provisionally appointed to Road Repair Supervisor. On the second, the appellant was the only eligible, and it was indicated that the appellant was retained, a provisional was serving, the certification was incomplete and no appointments were made. On the third, the appellant was bypassed for an eligible from the next list (PM1664U).

In the instant matter, the appellant was credited with his provisional time in the subject title and was found to be lacking seven months of qualifying experience. As he indicated that he performed out-of-title work in the third position, Agency Services repeatedly contacted the appointing authority for verification, and it did not respond. Nevertheless, the appellant cannot be credited for out-of-title work as a Road Repair Supervisor when the Commission already accepted his experience as

out-of-title work for Maintenance Supervisor Grounds, a title with differing requirements. Each position has only one primary focus, and positions cannot have two primary focuses. In sum, the Division of Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, the appellant has accrued an additional seven months in his provisional position, and the appellant is the sole applicant. 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 ON
THE 21st DAY OF NOVEMBER, 2018



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