

experience in his provisional position, and was lacking four years, eight months of experience.

On appeal, the appellant argues that he is been working with the Director of Public Works in an “acting” capacity due to retirements since February 2012. He states that he has been responsible for planning, organizing and supervising daily operations, managing special projects, attending weekly supervisor meetings, and requesting work supplies and equipment specifications. On his behalf, the Department Director and County Engineer provides examples of the appellant’s responsibilities from February 2012 through February 2017 which reflect the same duties submitted by the appellant.

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:4-2.6(c) provides, in pertinent part, that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

CONCLUSION

Initially, the appellant was correctly denied admittance to the subject examination since he did not indicate on his application that he possessed the required in-title experience. The appellant indicated that he supervised staff while in the Public Works Repairer title, however, as this is not a supervisory title, it could not be accepted. Nonetheless, the Department Director and County Engineer confirmed the performance of the required duties for the appellant in his position as Public Works Repairer. The appointing authority confirms this out-of-title work and wishes to make his appointment. Additionally, the appellant continues to serve provisionally in the title under test and the examination was cancelled for the lack of qualified eligibles. As such, good cause exists to accept the appellant’s out-of-title experience and admit him to the subject examination. However, this remedy is limited to the facts of this situation and may not be used as precedent in any other proceeding.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant’s application be processed for prospective employment opportunities only.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 27TH DAY OF MARCH, 2018



Deirdre L. Webster Cobb
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