

## STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Edward Kelly, Assistant Maintenance Superintendent (PC0437A), Burlington County

Examination Appeal

CSC Docket No. 2020-912

ISSUED: NOVEMBER 21, 2019 (SLK)

Edward Kelly appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Assistant Maintenance Superintendent (PC0437A), Burlington County.

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The experience requirements were four years of experience in work involving a variety of maintenance and repair tasks, three years of which shall have been in a supervisory capacity. The requirements needed to be met by the April 22, 2019 closing date. *See N.J.A.C.* 4A:4-2.6(a). The appellant was the only employee who applied for the subject examination and the examination was cancelled due to a lack of qualified candidates.

Personnel record indicate that the appellant was provisionally serving in the subject title from January 2019 to the April 22, 2019 closing date, a Maintenance Supervisor, Grounds from November 2015 to January 2019, a Maintenance Worker 2, Grounds from June 2008 to November 2015, a Maintenance Worker 1, Grounds/Maintenance Worker Repairer from March 2006 to June 2008, a Maintenance Repairer from April 2000 to March 2006, and a Building Maintenance Worker from January 1996 to April 2000. Agency Services credited the appellant with having met the general experience requirements and having four months of applicable supervisory experience based on his provisional service in the subject title, but determined that he lacked two years and eight months of the required supervisory experience.

The record demonstrates that the appellant performed applicable out-of-title supervisory duties as a Maintenance Supervisor, Grounds, as the appellant describes in detail how he performed the required supervisory duties in this title and the appointing authority confirms that he was performing the applicable supervisory duties including supervising both grounds and maintenance staff in this title since November 2015 due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's out-of-title work experience for eligibility purposes only, and admit him to the examination.

This determination is limited to the instant matter and does not provide precedent in any other matter.

## **ORDER**

Therefore, it is ordered that the appeal be granted, and the cancellation of the examination be rescinded and Edward Kelly'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 19<sup>th</sup> DAY OF NOVEMBER, 2019

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Civil Service Commission

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