



**STATE OF NEW JERSEY**

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

In the Matter of Brian Constantino,  
Assistant Director of Solid Waste  
Management (PC2051W), Camden  
County

Examination Appeal

CSC Docket No. 2019-1826

**ISSUED:** March 6, 2019 (RE)

Camden County, on behalf of Brian Constantino, appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Assistant Director of Solid Waste Management (PC2051W), Camden County.

The subject examination announcement was issued with a July 23, 2018 closing date, 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 in any competitive title and who met the announced requirements. These requirements included four years of professional experience in solid waste management work, two of which shall have been in a supervisory capacity. Possession of a Master's degree in physical, chemical, biological, or environmental sciences or environmental engineering from an accredited college or university could be substituted for one year of nonsupervisory experience. Constantino was found to be ineligible based on a lack of experience. He was the only applicant, and the examination was cancelled on January 19, 2019.

Constantino listed one position on his application, District Recycling Coordinator/Enforcement Office from July 1994 to July 2018. Official records indicated that he was a District Recycling Coordinator from July 1994 to May 2018, and a provisional Assistant Director of Solid Waste Management from May 2018 to the July 2018 closing date. He was credited with at least four years of general experience and was found to be lacking two years of supervisory experience.

On appeal, the appointing authority verifies that Constantino performed out-of-title supervisory duties for at least two years while in the title District Recycling Coordinator, and it provides a list of duties that he has performed.

### 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:4-2.6(c)1 provides that except when permitted by the Chairperson or designee for good cause, 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.


In the present matter, primarily performing supervisory duties in the District Recycling Coordinator position listed on his application would be considered out-of-title work. However, the appointing authority has verified that Constantino has at least two years of supervisory experience. Additionally, the subject examination was cancelled, and Constantino continues to serve provisionally in the title under test. Under these circumstances, good cause exists to accept the out-of-title work experience and admit him to the subject examination. However, this decision is based on the limited facts of this situation and shall not be used as precedent in any other proceeding. For future applications, Constantino is cautioned to list each position separately and provide job duties for each position.

### ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and Constantino'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 6<sup>th</sup> DAY OF MARCH, 2019



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