



STATE OF NEW JERSEY

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

In the Matter of Patrick Phillips,
Deputy Municipal Emergency
Management Coordinator (M2256W),
Maurice River

Examination Appeal

CSC Docket No. 2019-2530

ISSUED: AUGUST 5, 2019 (SLK)

Patrick Phillips appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Deputy Municipal Emergency Management Coordinator (M2256W), Maurice River.

The subject examination was announced with a closing date of December 21, 2018. The experience requirements were two years of experience in the planning, development, and administration of emergency response activities such as those provided by police, fire, rescue, medical, or emergency management units either in the public or private sector or in the military service. It is noted that the subject announcement indicates that the appointing authority is seeking to fill two positions that have a five-hour workweek. The appellant was the only applicant and the subject examination was cancelled on February 27, 2019 due to a lack of qualified candidates.

On his application, the appellant indicated that he was provisionally serving in the subject title from January 2012 to the December 21, 2018 closing date, working five hours per week. He also indicated that he completed many training courses and possessed certain licenses related to emergency management. Agency Services credited the appellant with having the equivalent of one year of full-time experience by pro-rating his five-hour per week provisional service in the subject title based on a 35-hour workweek (seven years x five hours per week), but determined that he lacked one year of full-time experience.

On appeal, the appellant highlights that he has been serving in the subject title since 2012 and the training courses that he has completed in emergency management. The appointing authority also submits a letter confirming that the appellant has been provisionally serving in the subject title since January 2012.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant did not meet the experience requirements as he did not have the equivalent of two years of full-time required experience after pro-rating his part-time provisional service in the subject title. However, it cannot be ignored that the subject position is for only a five-hour workweek. Further, in addition to serving in the subject title since 2012, the appellant has completed many training courses and possesses several certificates concerning emergency management. Moreover, the examination has been cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the subject title. Therefore, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept appellant's experience and training, for eligibility purposes only, in order to admit him to the subject examination.

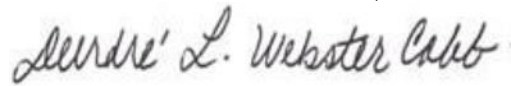
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, and Patrick Phillips' 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 31st DAY OF JULY, 2019



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