



STATE OF NEW JERSEY

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

In the Matter of Patrick Ferrara,
Public Works Superintendent
(PM0616A), Fort Lee

CSC Docket No. 2020-1212

Examination Appeal

ISSUED: January 16, 2020 (RE)

Patrick Ferrara 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 Public Works Superintendent (PM0616A), Fort Lee.

The subject examination announcement was issued with a closing date of May 21, 2019, 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 the title Assistant Public Works Superintendent OR 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 experience requirements. These requirements included five years of supervisory experience in the construction, maintenance, and repair of streets, sewer, water, sanitation, or other public works facilities or similar heavy construction or maintenance work. Satisfactory completion of college level credits in engineering courses at an accredited college or university could be substituted for up to two years of experience on the basis of thirty semester hour credits being equivalent to one year of experience. The appellant was found to be below the minimum requirements in experience. As the appellant was the sole applicant, the examination was cancelled on November 7, 2019.

The appellant listed one position on his application, provisional Public Works Superintendent. He copied the examples of work from the job specification for that title which is unacceptable. *See In the Matter of Margaret S. Chann* (MSB, decided

November 4, 2004). He was not emailed and asked to provide a job description in his own words as the provisional experience was only five months, and he did not have five years of experience in his provisional position. It is noted that official records indicate that he was a Truck Driver from November 2005 to June 2013, a Supervisor Public Works from July 2013 to November 2018, and was serving provisionally in the title under test from December 2018 to the May 2019 closing date.

On appeal, the appellant states that he was promoted to Supervisor Public Works in July 2013, when he performed administrative and supervisory duties on a daily basis. He states he was responsible for planning, organizing and maintaining multiple facilities serviced by the Public Works Department, and supervised and tended to plans, repairs and budgets for supplies. He maintained personnel records and working relationships with others, as well as inspected ongoing work and completed work by employees and outside contractors. He states he has made recommendations for improvements, and is qualified for the position. In support, the appointing authority states that the appellant has assumed a leadership role on his assigned tasks. For more than five years, since July 2013, the appellant has supervised and maintained records and documentation for all construction projects performed by his department including repair of streets, water quality, sewer treatment plants, sanitation, construction, snow and leaf removal, pool maintenance, general maintenance work, and street opening permits. He has performed various administrative and supervisory duties on a daily basis, and has been planning, organizing, and maintaining Borough facilities and projects.

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.

Initially, Agency Services correctly found the appellant to be ineligible for the subject examination since, according to his application, he lacked the required experience. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Also, the application states that, by clicking “yes,” the applicant certified that the employment history was complete and accurate. The On-Line Application System User’s Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the applications advise applicants to provide **all** employment information (not just current employment information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

In the instant matter, while the appellant's Supervisor Public Works position was not listed on his application, the examination was cancelled, and the appellant clearly possesses five years of applicable experience. As such, good cause exists to relax the provisions *N.J.A.C. 4A:4-2.6(a)* to accept this experience and admit the appellant to the examination.


The appellant is cautioned to complete any future application in his own words, and to follow instructions and list all applicable positions and include all pertinent information for each.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

This 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 15th DAY OF JANUARY, 2020



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