



STATE OF NEW JERSEY

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

In the Matter of Richard Tier,
Maintenance Supervisor Grounds
M0646A), Long Branch

CSC Docket No. 2020-1587

Examination Appeal

ISSUED: May 1, 2020

(RE)

Richard Tier appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the minimum requirements in experience for the open-competitive examination for Maintenance Supervisor Grounds (M0646A), Long Branch.

The subject examination had a closing date of August 21, 2019 and was open to residents of Long Branch City, Monmouth County, and contiguous counties who possessed three years of experience in the care and maintenance of grounds; one year of the experience indicated above must have been in a lead worker or assistant supervisor capacity. The appellant was found to be ineligible based on a lack of experience. Two candidates appear on the eligible list, which has been certified once, but no appointments have yet been made. The list is incomplete, and the appellant is serving as a provisional.

The appellant listed one position on his application, Supervisor of Parks, and he was credited with five months of experience in this position from April 2019 to the August 21, 2019 closing date. It is noted that the actual title of the position was Maintenance Supervisor Grounds, as the appellant is provisionally appointed in that title. He was found to be lacking two years, seven months of applicable experience.

In an initial appeal, the appellant states that he should be eligible as he has supervisory experience back to 2013, and he provided a resume and certifications. The appellant was informed that he did not properly complete his application, and

that he did not provide sufficient information on appeal to quantify his experience. The appellant provided a supplement to his appeal with information regarding his prior positions. Specifically, the appellant was a Head Groundskeeper for New Jersey Jackals and Sussex County Miners, full-time, for two years, two months maintaining a stadium and supervising two crews of three employees; a Building and Grounds Assistant Supervisor with Delbarton School for one year, five months, supervising four full-time employees, and seasonal employees managing sports fields; as well as other positions.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement 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 particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

A review of the appellant's application reveals that the decision by the Agency Services, denying the appellant's admittance to the subject examination since he does not possess the required experience, was correct. He received credit for the experience listed on his application, and could not receive credit for experience not provided with his application. For any future positions in which he might be interested, the appellant is cautioned that he should complete his application and provide all requested information. While the appellant failed to follow basic instructions in filling out his application, the list is incomplete with two eligibles, the appellant is still serving as a provisional appointee, and he has indicated that he had the required amount of applicable experience prior to the August 2019 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional experience and admit him to the examination for prospective appointment consideration.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant'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 29TH DAY OF APRIL , 2020

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
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