



STATE OF NEW JERSEY

In the Matter of Mark Lewis, *et.al*,
Water Repairer 1 (M0884A), City of
Trenton

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

CSC Docket Nos. 2020-1968, *et.al*

Examination Appeals

ISSUED: OCTOBER 2, 2020 (RAM)

Mark Lewis, Darryl Rowell, and Ruben Marquez appeal the determinations of the Division of Agency Services that they were ineligible for the open-competitive examination for Water Repairer 1 (M0884A), City of Trenton. These appeals have been consolidated due to common issues presented.

By way of background, the announcement for the subject examination was issued on September 1, 2019 and was open to residents of the City of Trenton who had one year of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work “OR” one year of experience as a laborer in a public works department as of the September 23, 2019 closing date. It is noted that seven candidates applied for the subject examination and all seven candidates were found ineligible. As a result, the examination was cancelled effective February 17, 2020.

The review of Lewis’ application indicated that he did not complete the employment section on the application prior to the September 23, 2019 closing date.¹ Thus, Agency Services was unable to determine his work history, and he was found ineligible. Agency Services reviewed Rowell’s and Marquez’s applications and credited them with three months of experience that they gained provisionally in the subject title prior to the September 23, 2019 closing date.² The review determined

¹Agency records indicate that appellant Lewis has been serving provisionally pending promotional examination procedures in the subject title since June 10, 2019.

² Agency records indicate that appellants Marquez and Rowell have been serving provisionally pending open-competitive examination procedures in the subject title since July 22, 2019. Agency Services credited the appellants for the whole month of July 2019.

that they lacked nine months of needed experience as outlined in the subject examination announcement. It is noted that these appellants did not list any other work experience besides their provisional positions.

On appeal to the Civil Service Commission (Commission), Lewis asserts he mistakenly forgot to save his employment information on his application. Therefore, he requests to be allowed to complete his application after the closing date.

In his appeal to the Commission, Rowell provides additional details regarding his duties as a Water Repairer 1. However, Rowell does not indicate any other job experiences he may have had in order to meet the required one year of experience listed in the job announcement. He reiterates that he is qualified for the position.

In his appeal to the Commission, Marquez reiterates the job duties listed on his application. He further states that he is a mechanic and has some knowledge in plumbing. However, it is noted that he does not provide any additional employment information or details of the duties he performed in those positions to be considered for eligibility to meet the one year of job experience for the subject examination.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that prior to the announced filing date, an applicant may amend a previously submitted application. However, *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.

Agency Services was correct in its initial determination that appellants Rowell and Marquez did not meet the one year of required work experience for the subject examination, as they only listed their employment with the City of Trenton prior to the September 23, 2019 examination closing date. Thus, they lacked approximately nine months of full-time experience based on the initial review. However, a further review of agency records indicates that the appellants were appointed provisionally to the Water Repairer 1 title, effective July 22, 2019, and they continue to serve provisionally in that title. Regarding Lewis, it was determined that he did not meet the one year of required work experience because of an incomplete application. A review of the records indicates that he was promoted provisionally to the Water Repairer 1 title, effective June 10, 2019, and he continues to serve provisionally in that title. In addition, the records reflect that Lewis paid the examination processing fee.

Based on the foregoing, the Commission finds that, for examination eligibility purposes, the appellants have been performing the duties since their appointment and/or promotion to the subject title. Therefore, the appellants now possess enough applicable experience based on their service. Under these circumstances, the Commission finds that good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and *N.J.A.C.* 4A:4-2.1(f). Thus, absent accepting the appellants' provisional experiences after the closing date, no other eligible candidate can be appointed as the subject examination has been cancelled. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

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

ORDER

Therefore, it is ordered that these appeals be granted, the examination cancellation be rescinded, and the appellants' applications be processed for prospective employment opportunities only.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 30TH DAY OF SEPTEMBER, 2020

Deirdre' L. Webster Cobb

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Chairperson
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