



STATE OF NEW JERSEY

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

In the Matter of Christopher Beeh,
Assistant Sewer Superintendent/
Assistant Water Superintendent
(PM2979B), Freehold Township

Examination Appeal

CSC Docket No. 2022-341

**ISSUED: OCTOBER 12, 2021
(SLK)**

Christopher Beeh appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Assistant Sewer Superintendent/Assistant Water Superintendent (PM2979B), Freehold Township.

The subject examination had a December 21, 2020 closing date. The experience requirements were two years of supervisory experience in the construction, maintenance, and repair of sewers and four years of experience in the maintenance, operation, and repair of a water distribution and/or water treatment system, three years of which shall have been in a supervisory capacity. The examination was cancelled on August 27, 2021, as the appellant, the only applicant, was found ineligible.

On the appellant's application, he indicated that he was a Supervisor of Water/Sewer/Water Treatment Plants from October 2017 to the December 21, 2020 closing date, a Senior Water/Sewer Repairer/Water Plant Operator from May 2014 to October 2017, a Water/Sewer Repairer/Treatment Plant Operator from October 2003 to May 2014, a Water/Sewer Repairer from October 2002 to October 2003, and a Laborer from October 2001 to October 2002. Personnel records indicate that he was

provisionally serving in the subject title from August 2020 to the December 21, 2020 closing date, a Supervising Water Treatment Plant Operator from November 2018 to August 2020, a Sewer Repairer 2/Water Repairer 2/Senior Water Treatment Plant Operator from April 2014 to November 2018, a Sewer Repairer 1/Water Repairer 1/Water Treatment Plant Operator from November 2003 to April 2014, an Assistant Water Treatment Plant Operator from November 2002 to November 2003, and a Laborer 1 from October 2001 to November 2002. Agency Services credited the appellant for having met the general experience requirements but determined that he lacked the required amount of supervisory experience.

On appeal, the appellant submits his resume, which describes in detail the duties that he performed in each title that he has held with the appointing authority over the past 20 years, to demonstrate that he meets the experience requirements for the subject examination.

Additionally, the appointing authority presents that as a relatively small public utility, its staff is utilized in a cross-management platform that often utilizes its employee base both in the field and in its facilities. It indicates that the appellant has been essential in the supervision of its facilities, and the personnel within its facilities since at least 2014. The appointing authority states the appellant has provided technical oversight for water treatment that was out-of-title.

As for sewer, the appointing authority indicates that from November 2018 to August 2020 as Water Plant Supervisor, the appellant was put in rotation as a supervisor for repairs and emergency standby. It states that he rotated weekly as the acting supervisor of the entire utility for off-hour shifts. While the appointing authority notes that these duties were out of title, it indicates that it was necessary in its organization because of the lack of personnel to fill a more exact title hierarchy. Further, it presents that the appellant from 2014 to 2018 as a Sewer Repairer 2/Water Repairer 2/Senior Water Treatment Plant Operator, would routinely act as a crew chief for sewer repairs and/or installations, and provided supervisory control over personnel and work product on a routine basis. As stated above, while the work was out-of-title, the appointing authority indicates that it was necessary given its limited manpower.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible as he did not possess the required supervisor experience by the December 21, 2020 closing date. Specifically, he was credited with five months of sewer supervisory experience based on his provisional service in the subject title from August 2020 to the December 21, 2020 closing date, but found to lack one year and seven months of this supervisory experience. Further, the appellant was credited with two years and two months of water treatment supervisory experience based on his provisional experience and his Supervising Water Treatment Plant Operator, but lacked 10 months of this experience. Additionally, it is noted that any supervisory experience that the appellant had prior to November 2018 was in non-supervisory titles and, therefore, would be considered out-of-title. However, the appointing authority explains that due to its operational needs, the appellant was “in the rotation” performing “supervisory” water treatment and sewer duties since 2014. Therefore, while these duties are more appropriately characterized as “lead worker” duties since there is no indication that he was responsible for performance evaluations of the staff he led while “in the rotation,” it cannot be ignored that the appellant oversaw staff who were responsible for the maintenance, operation, and repair of water treatment and sewer systems since 2014. Additionally, the subject examination was cancelled due to a lack of qualified candidates. Further, personnel records indicate that the appellant continues to provisionally serve in the subject title after the closing date. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, the Commission finds good cause under N.J.A.C. 4A:1-1.2(c) to relax the provisions of N.J.A.C. 4A:4-2.6(a) and accept the appellant’s experience since 2014, for eligibility purposes only, and 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 the appellant’s 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 6TH DAY OF OCTOBER, 2021

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