



STATE OF NEW JERSEY

In the Matter of Tonin Berisha, Road Repairer 3 (PM3338C), Borough of Fairview	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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CSC Docket No. 2022-839	:	Examination Appeal
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**ISSUED: NOVEMBER 22, 2021
(JET)**

Tonin Berisha appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Road Repairer 3 (PM3338C), Borough of Fairview.

The subject examination was announced with specific requirements that had to be met as of the June 21, 2021 closing date. The requirements were three years of experience in the construction, repair, and maintenance of roads or streets which may include work involving the installation and/or maintenance of traffic lines and signs. The examination was cancelled on October 14, 2021 as the appellant, the only applicant for the examination, was found ineligible for the examination.

A review of the appellant's application and resume reveals that he served provisionally in the subject title from February 17, 2021 to the closing date, as a Truck Driver from August 14, 2018 to February 17, 2021, as a Laborer 1 from October 8, 2011 to August 14, 2018, and from November 13, 1995 to January 5, 1998, and as a Laborer, Heavy from March 26, 2007 to October 8, 2011. Agency Services credited the appellant with four months of applicable experience for his provisional service in the subject title. However, it did not find any of his other experience applicable. Accordingly, Agency Services determined that the appellant was ineligible for the subject examination as he lacked two years and six months of applicable experience.

On appeal, the appellant maintains that he is eligible for the examination, and has been performing work as a Road Repairer 3 since October 2011. In support, he submits a letter from the Administrator/Borough Clerk, who confirms that the appellant's duties since 2011 included work in overseeing road crews, undertaking road repairs including the maintenance and patching of roads, installation of traffic

signs, painting traffic lines, overseeing the cleaning and repairing of catch basins and drain pipes, overseeing salting and snowplowing of borough roads, and completing minor repairs to trucks.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

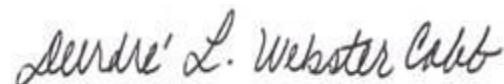
N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation. Initially, it is noted that Agency Services correctly credited the appellant with four months of applicable experience for his provisional service in the subject title. The appointing authority confirms in this matter that the appellant has been performing the applicable duties of the subject title since 2011. As such, the Civil Service Commission is satisfied that the appellant also performed sufficient applicable duties while serving as a Truck Driver, Laborer 1, and as a Laborer, Heavy, notwithstanding that such applicable duties did not constitute the primary focus of his position. Additionally, the Commission notes that the appellant continues to serve provisionally in the title under test and has accrued an additional five months of applicable experience. Moreover, the examination has been cancelled and there are no other applicants. Under these circumstances, with the inclusion of his experience as described by the appointing authority and his provisional experience gained after the closing date, he should be admitted to the examination.

ORDER

Therefore, it is ordered that this 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 17TH DAY OF NOVEMBER 2021



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