



STATE OF NEW JERSEY

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

In the Matter of John Waverka,
Equipment Operator (PC2774B),
Ocean County

Examination Appeal

CSC Docket No. 2021-828

ISSUED: FEBRUARY 23, 2021 (RE)

John Waverka appeals the decision of the Division of Agency Services which found that he did not have the required amount of service in a competitive title for the promotional examination for Equipment Operator (PC2774B), Ocean County.

The subject examination had a closing date of October 21, 2020, and was open to employees in the competitive division who possessed an aggregate of one year of continuous permanent service in any competitive title as of the closing date, and who met the requirements of one year of experience in the operation and maintenance of construction and maintenance equipment. The appellant submitted an application with two positions, Maintenance Worker 2 Grounds from November 7, 2019 to the October 21, 2020 closing date, and Maintenance Worker 1 Grounds, a title in the noncompetitive division. He was found to not be not permanent in the competitive division. Although he was permanent as a Maintenance Worker 2 Grounds, which is a title in the competitive division, he lacked one year of continuous permanent service in the competitive division as of the closing date. On appeal, the appellant provides descriptions of his duties in his Maintenance Worker positions, and in his provisional position as an Equipment Operator to which he was appointed after the closing date. As the appellant was the sole applicant, the examination was canceled on December 13, 2020.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 states that applicants for promotional examinations shall, by the closing date, meet the criteria of having one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

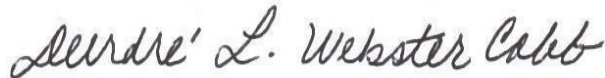
The appellant was denied admittance to the subject examination since he fell 17 days short of one year of continuous permanent service in a competitive title as of the October 21, 2020 closing date. Nonetheless, the appellant was the sole applicant and the examination was canceled for a lack of admitted candidates. As of November 7, 2020 and the appellant had accrued one year of permanent service in a competitive title, and on November 9, 2020, the appellant was provisionally appointed to the title under test. Additionally, the appellant accrued at least one year of experience in the operation and maintenance of construction and maintenance equipment as of the closing date as a permanent and provisional Maintenance Worker 2 Grounds. Based on these unique circumstances, the appellant's experience after the closing date should be accepted, the examination cancellation rescinded, and the appellant's application be processed. This shall not be precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted.

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 FEBRUARY, 2021



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