



STATE OF NEW JERSEY

In the Matter of Michael D. Johnston, :
Sr., Assistant Sewage Plant :
Superintendent (PM2080B), Delran :
Township :

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

CSC Docket No. 2021-917

Examination Appeal

ISSUED: MAY 3, 2021 (RAM)

Michael D. Johnston, Sr., 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 Sewage Plant Superintendent (PM2080B), Delran Township.

By way of background, the announcement for the subject examination was open to employees in the competitive division who were currently serving in the title of Chief Sewage Plant Operator and who had an aggregate of one year of continuous permanent service as of the February 21, 2020 closing date *or* to employees in the competitive division who had one year of continuous permanent service as of the closing date in any competitive title with four years of experience in operating, adjusting, regulating, repairing and maintaining pumps, valves, electric motors and other electrical/mechanical equipment used in a sewage treatment plant, one year of which shall have been in a supervisory capacity. Successful completion of 30 semester hour credits in engineering science courses in sanitary, environmental, civil, chemical, or mechanical engineering from an accredited college or university could be substituted for each year of non-supervisory experience. It is noted that the appellant was the only applicant who filed for the subject examination. As a result, the examination was cancelled effective January 3, 2021.

On his application, the appellant listed only his provisional appointment to the subject title and noted his appointment date as March 2019. However, according to agency records, the appellant was appointed provisionally pending promotional examination procedures effective November 27, 2019. Agency Services credited the appellant with four months of experience from November 2019 to

February 2020. Thus, it found that the appellant lacked the required years of experience.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he has been employed with Delran Township for the past 27 years and has been the interim Assistant Sewage Plant Superintendent since December 2017. In support of his claim, the appellant submits a letter from Joseph Russell, Superintendent, stating that the appellant has been performing the job functions of the subject title since December 2017 and not from the March 2019 date that was listed incorrectly on the appellant's application.¹

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. Moreover, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. 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 correctly determined that the appellant did not meet the four years of required work experience, with one year in a supervisory capacity, for the subject examination prior to the February 21, 2020 closing date, as he only listed his provisional appointment to the subject title and did not have sufficient supervisory experience. A review of agency records indicates that the appellant was appointed provisionally to the Assistant Sewage Plant Superintendent title effective November 27, 2019. As a result, Agency Services credited him with four months of experience he gained provisionally in the title from November 2019 to February 2020. Therefore, it was determined that he lacked three years and eight months of applicable experience as of the closing date. However, a further review of the records indicates that the appellant was initially hired as a Senior Sewage Plant Operator with the agency in July of 1994. The duties of that title provide applicable experience to satisfy the non-supervisory experience required for the subject examination. Moreover, the appellant continues to serve provisionally in the title. Thus, he now possesses the one year of supervisory experience.

Therefore, under these circumstances, the Commission finds that there is good cause to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) for eligibility purposes. Absent accepting the appellant's previous work and provisional experience after the

¹ As set forth above, there were inconsistencies in the statements made in the appeal regarding the appellant's provisional appointment to the subject title. Agency records reveal that the effective date was November 27, 2019. If there is an error in the employment history of the appellant, the appointing authority's human resources office will need to take corrective action on the matter.

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).

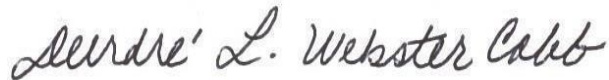
Finally, this determination is limited to the instant matter and does not provide precedent in any other matter. The Commission cautions the appellant that, in the future, he should ensure that any application is fully completed as his failure to do so will be cause for rejection from the selection process.

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation 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 28th DAY OF APRIL, 2021



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