



STATE OF NEW JERSEY

In the Matter of Frederick Bush,
Maintenance Supervisor Grounds
(PM4348C), Mount Laurel

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

CSC Docket No. 2022-980

Examination Appeal

ISSUED: JANUARY 21, 2022 (HS)

Frederick Bush appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Maintenance Supervisor Grounds (PM4348C), Mount Laurel.

The subject examination was announced with a closing date of August 23, 2021 and was open, in pertinent part, to employees who possessed three years of experience in the care and maintenance of grounds, one year of which must have been in a lead worker or assistant supervisor capacity. The appellant was the only applicant for the subject promotional examination, which was cancelled.

On his application, the appellant indicated his experience from May 1989 to August 2021 with Mount Laurel, during which he served in the following titles according to official personnel records: Laborer 1 (May 22, 1989 to October 21, 1998); Truck Driver (October 22, 1998 to December 14, 2015); Equipment Operator (December 15, 2015 to May 9, 2021); and Maintenance Supervisor Grounds (provisionally since May 10, 2021). Agency Services credited the appellant with sufficient general experience based on his duties in the titles of Laborer 1, Equipment Operator, and Maintenance Supervisor Grounds. Agency Services also credited the appellant with four months of experience in the care and maintenance of grounds in a lead worker or assistant supervisor capacity based on his provisional service in the subject title. Therefore, Agency Services deemed the appellant ineligible since he lacked eight months of experience in the care and maintenance of grounds in a lead worker or assistant supervisor capacity and thus did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission, the appellant maintains that he possesses sufficient applicable experience. The appointing authority supports this appeal and indicates the following: the appellant cared for and maintained grounds in an assistant supervisor capacity out-of-title while serving in the title of Equipment Operator from March 1, 2020 to June 1, 2021; these duties were assigned due to business necessity; and it is interested in making an appointment from the resulting eligible list.

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. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

Initially, Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked the required experience as of the August 23, 2021 closing date. On appeal, the appellant maintains that he possesses sufficient applicable experience. In support, the appointing authority confirms that he performed applicable duties in an assistant supervisor capacity out-of-title while serving in the title of Equipment Operator with Mount Laurel from March 1, 2020 to June 1, 2021. This represents one year and four months of applicable experience in an assistant supervisor capacity. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled given that the appellant, the only applicant, was deemed ineligible. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and Frederick Bush's application be processed for prospective employment opportunities.

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 19TH DAY OF JANUARY, 2022

Deirdre L. Webster Cobb

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