



STATE OF NEW JERSEY

In the Matter of Michael Billingham,
Assistant Supervisor of Motor Pool
(PC3773D), Camden County

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

CSC Docket No. 2023-51

Examination Appeal

ISSUED: August 24, 2022 (SLK)

Michael Billingham 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 Supervisor of Motor Pool (PC3773D), Camden County.

The subject examination's closing date was March 21, 2022. The experience requirements were two years of experience in managing a large scale fleet of motor vehicles which entailed responsibility for the maintenance and servicing of such vehicles as well as the leasing or assignment of vehicles to individuals. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant indicated that he was provisionally serving in the subject title from November 2020 to the closing date, a Records Support Technician 2 from January 2019 to November 2020, a Records Support Technician 1 from May 2017 to January 2019, and a Service Manager for Pep Boys from June 2009 to May 2017. Personnel records indicate that he was provisionally serving in the subject title from November 2020 to the closing date, a Records Support Technician 2 from November 2107 to November 2020, and a Records Support Technician 1 from May 2017 to November 2019. Agency Services credited him with one year and five months of experience based on his provisional service in the subject title, but determined that he lacked seven months of experience.

On appeal, the appellant states that in October 2019, he was given the responsibility to assist and service Camden County's entire fleet, which totaled up to 800 vehicles. He presents that his duties consisted of scheduling for service, assigning, and maintaining the fleet, which including three police departments, the Office of Emergency Management, the County Health Department, and other departments.

During the pandemic, the appellant indicates that he established an entire fleet list and inventory to ensure that every vehicle had one employee per Health Department guidelines. He states that he was responsible for storing the vehicles when not in use and establishing a cleaning schedule to sanitize each vehicle to ensure a safe environment for employees. The appellant presents that he assisted running the repair facility for all maintenance and mechanical work needed. The appointing authority confirms that the appellant has been performing the required duties since October 2019. It asserts that the appellant is its only qualified employee.

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:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject title as the required duties as a Record Support Technician 2 would be out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time, albeit out-of-title, due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's verified out-of-title experience, for eligibility purposes only, and admit him to the examination.

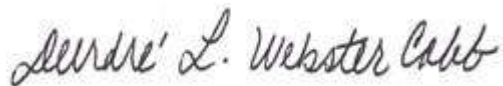
This determination is limited to the instant matter and does not provide precedent in any other matter.

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 24TH DAY OF AUGUST, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Michael Billingham
Catherine Binowski
Division of Agency Services
Records Center