



**STATE OF NEW JERSEY**

In the Matter of William Mowder,  
Assistant Supervisor of Public Works  
(M0577C), Pohatcong

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

CSC Docket No. 2022-2317

Examination Appeal

**ISSUED: December 7, 2022 (ABR)**

William Mowder appeals the determination of the Division of Agency Services (Agency Services), which found that he was ineligible for the promotional examination for Assistant Supervisor of Public Works (M0577C), Pohatcong, on the basis that he was below the minimum requirements in experience.

By way of background, the subject examination was announced with a closing date of November 22, 2021. Applicants were required to possess three years of experience in the construction, maintenance, and/or repair of streets, sewer, water, sanitation, or other public works facilities or similar heavy construction. The subject eligible list, containing one name, promulgated on March 17, 2022 and expires on March 17, 2025. One eligible presently remains active on the subject eligible list.

On his application, the appellant stated that he served provisionally in the subject title from June 2020 to the closing date (November 2021). The appellant did not indicate that he possessed any other applicable experience on his application. Agency Services credited the appellant with one year and six months of experience based upon his provisional experience in the subject title. However, Agency Services deemed him ineligible as he did not indicate that he possessed an additional one year and six months of experience, as required.

On appeal, the appellant states that prior to his provisional service in the subject title, he served as a Laborer with the appointing authority from 2012 to 2020

and as a Laborer with Hunterdon County from 2004 to 2012 and he describes how he performed the required duties in those positions in detail.

Agency records indicate that the appellant served provisionally as an Assistant Supervisor of Public Works from June 2020 to September 2022<sup>1</sup>; as a Truck Driver from December 2013 to June 2020; as a Laborer 1 from June 2012 to December 2013 and from October 2004 to January 2005; and as a Road Repairer 1 from January 2005 to June 2012.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants must meet all requirements specified in an open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In the instant matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because the appellant listed less than the three years of applicable experience required for applicants as of the November 22, 2021 closing date on his application. The appellant states on appeal that he possesses additional applicable experience which was not noted in his application. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, the record indicates that the examination situation is not competitive, as the subject eligible list presently contains the name of one eligible. Further, the Civil Service Commission (Commission) notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). Finally, the appellant was serving provisionally in the subject title as of the closing date. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and accept the appellant's amended experience, for eligibility purposes only, and admit him to the subject examination.

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

## ORDER

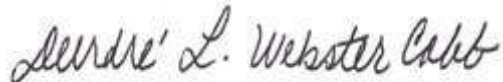
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<sup>1</sup> The appellant was returned to his permanent title of Truck Driver, effective September 8, 2022.

Therefore, it is ordered that this appeal be granted 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 7<sup>TH</sup> DAY OF DECEMBER, 2022



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Chairperson  
Civil Service Commission

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