



STATE OF NEW JERSEY

In the Matter of Daniel Hourigan,
Engineer-In-Charge of Maintenance
4 (PS6923G), Department of
Environmental Protection

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

Examination Appeal

CSC Docket No. 2022-2704

ISSUED: JUNE 20, 2022 (SLK)

Daniel Hourigan appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Engineer-In-Charge of Maintenance 4 (PS6923G), Department of Environmental Protection.

The subject examination’s closing date was November 22, 2021. The experience requirements were five years of experience in charge of the operation and maintenance of utilities and maintenance programs of an institution, college or similar multi-building complex, three years of which shall have been in a supervisory capacity. A Bachelor’s degree in Engineering could have been substituted for two years of non-supervisory experience. A valid Professional Engineer’s license issued by the State Board of Professional Engineer and Land Surveyors could have been substituted for two years of the non-supervisory experience. The appellant was the only applicant. Therefore, the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant indicated that he has a Bachelor’s degree in Public Administration and a Master’s degree in Administration. He also indicated that he was provisionally serving in the subject title from March 2017 to the November 22, 2021, closing date, a part-time Police Officer for Lakehurst from May 2012 to the closing date, a part-time OEM Coordinator for Lakehurst from January 2006 to the closing date, a Crew Supervisor, Channel Marking from October 1997 to

March 2017, a Channel Marker from October 1992 to October 1997, and a Boat Attendant from October 1988 to October 1992. Personnel records indicate that he was provisionally serving in the subject title from March 2017 to the closing date, a Crew Supervisor, Channel Marking from April 1997 to March 2017, a Municipal Emergency Management Coordinator for Lakehurst from January 2015 to the closing date, a Channel Marker/Boat Attendant from July 1992 to April 1997, and a Boat Attendant from October 1988 to July 1992. Agency Services credited him with four years and eight months of experience based on his provisional service in the subject title, but determined that he lacked four months of experience.

On appeal, the appellant presents that in addition to performing the required duties while provisionally serving in the subject title, he was a Crew Supervisor for the Aids to Navigation Unit in Forked River where he was stationed for over 29 years. The appellant explains that in this position, he supervised two crews and oversaw maintenance of the facility and vessels attached to the unit. He indicates that he has supervised staff and managed facilities for over 25 years. The appellant highlights his Bachelor's and Master's degree in Administration. He submits his resume which describes his experience in more detail.

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:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible as he lacked four months of the required experience by the November 22, 2021, closing date. Specifically, the appellant's experience as a Crew Supervisor, Channel Marking did not primarily involve the operation and maintenance of utilities and maintenance programs of an institution, college or similar multi-building complex, or if it did, this would be out-of-title work. However, the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date and the subject examination has been cancelled due to a lack of qualified candidates. The 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). Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's

experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination.

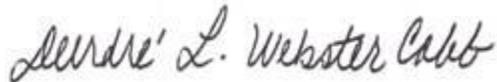
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination announcement 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 15TH DAY OF JUNE 2022



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