



STATE OF NEW JERSEY

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

In the Matter of Jason Forsyth,
Assistant Supervisor Public Works
(PM4196D), Teaneck

Examination Appeal

CSC Docket No. 2023-524

ISSUED: February 1, 2023 (RE)

Jason Forsyth appeals the determination of the Division of Agency Services which found that he did not meet the experience requirements for the promotional examination for Assistant Supervisor Public Works (PM4196D), Teaneck.

The subject examination announcement was issued with a closing date of June 21, 2022, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Senior Public Works Repairer OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any title and who met the announced requirements. These requirements included 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 work. The appellant was found to be ineligible based on a lack of applicable experience. One eligible appeared on the resulting eligible list, which promulgated on September 1, 2022 and was certified, on September 6, 2022. The eligible was appointed effective November 23, 2022.

The appellant listed one position on his application, a provisional Assistant Supervisor Public Works position, from December 2021 to the June 2022 closing date. He provided a resume that indicated he was an Electrician from December 2011 to the closing date, and included two more positions as an Electrician. The appellant was credited with seven months of experience in his provisional position and his remaining experience was inapplicable. As such, he was found to be lacking two years, five months of applicable experience. Agency records indicate that the

appellant was an Electrician from December 2011 to December 2021, at which time he was provisionally appointed to the subject title, effective December 16, 2001.

On appeal, the appellant provides letters from the appointing authority and from the Director of Public Works. The Director explains that the appellant was hired as an Electrician, but Teaneck had limited electrical work during that time. As such, the appellant was assigned duties such as leaf and snow removal, snow plowing, responding to sewer backups, tree removals, and setting up barricades. Moreover, the Director states that the appellant maintains lighting, electric, HVAC, and plumbing in buildings and grounds; installs and removes water meters; repairs facilities such as fixtures, windows and doors; paints; installs benches, signs and bicycle racks; operates garbage trucks and roll-off trucks; winterizes pipes; works during natural disasters; operates landscaping equipment; repairs potholes; performs concrete work; maintains bus stops; cleans roadways of debris after accidents; prepares grounds for township events; does carpentry, framing, drop ceilings, sheet rocking, demolition and cleanup of structures; and maintains daily records, enters data in the database, and makes assignments.

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, in pertinent part, that 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, unless good cause is shown for an exception.


Initially, the appellant was correctly denied admittance to the subject examination since he lacked the required three years of applicable in-title experience. However, the appellant indicated that he performed applicable experience while in the Electrician title, and the appointing authority and the Director of Public Works have confirmed the performance of the required duties for at least three years. Additionally, the appellant continues to serve provisionally in the title under test and the eligible list has been exhausted. As such, good cause exists to accept the appellant's out-of-title experience and admit him to the subject examination.

ORDER

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 1ST DAY OF FEBRUARY, 2023



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