



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Donald McMillan,
Mechanic (C0749T), Ocean County

Examination Appeal

CSC Docket No. 2016-3317

ISSUED: **NOV 16 2016** (SLK)

Donald McMillan appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open-competitive examination for Mechanic (C0749T), Ocean County.

The examination at issue was announced with specific requirements that had to be met as of the October 13, 2015 closing date (see attached). A total of 19 individuals applied for the subject examination and 13 were deemed eligible. Certification OL160361 was issued containing the names of 12¹ eligibles. The list expires on March 23, 2019.

On his application, Mr. McMillan indicated that he was a Garage Attendant from December 2014 to the October 2015 closing date and a Rural Carrier Associate for the United States Postal Service from July 2009 to December 2014. He also possesses 1 year of automotive training at an accredited vocational school. Personnel records indicate that he was a Garage Attendant from December 2013 to the October 13, 2015 closing date. Agency Services credited him with having completed 1 year of automotive training and 11 months of applicable experience

¹ The 13th eligible is Ronald Cloos who is provisionally serving in the subject title. Agency Services initially determined that Mr. Cloos was ineligible. However, on appeal, Mr. Cloos was added to the list.

based on his experience as a Garage Attendant,² but determined that he lacked 1 year and 1 month of experience.

On appeal, Mr. McMillan indicates that as a Garage Attendant he has been performing the duties of a Mechanic for the appointing authority for almost two and a half years and receiving out-of-title pay. He provides examples of the different Mechanic duties that he performs. He attaches copies of his Commercial Driver License, his ASE certificates and his technical school diploma. Additionally, he submits an updated resume which shows that he served as a Garage Attendant from December 2013 to the October 13, 2015 closing date, as a Mechanic for Causeway Honda from 2006 to 2008, a Mechanic for Haddad Motor Group from 2004 to 2006, and a Mechanic for Meineke Car Care Center from 2003 to 2005. Additionally, the appointing authority submits a statement providing that there are 10 candidates on certification OL160361 who have expressed interest in a position and that it intends to appoint 8 after interviews. Thereafter, it represents that it will ask for another certification in order to appoint their provisional appointee, Ronald Cloos, who will be number 1 on the list.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination as he only listed his experience as a Garage Attendant on his application where he was performing Mechanic duties and did not list any of his prior experience as a Mechanic. On appeal, Mr. McMillan submits a corrected resume which shows that his service as Garage Attendant started in December 2013 and not December 2014 which is verified by his personnel records. Additionally, his updated resume indicates that he worked as a Mechanic for various companies from 2003 to 2008. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

² Mr. McMillan's application indicated that he was performing Mechanic duties as a Garage Attendant.

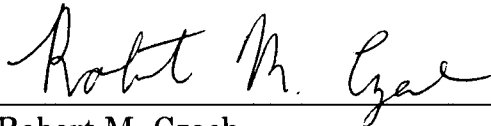
Although *N.J.A.C. 4A:4-2.1(f)* proscribes the amendment of an application after the closing date, the Commission notes, based on the appointing authority's intentions, that there will be an incomplete list with at most two remaining eligibles after appointing 8 of the 10 interested candidates from certification OL160361 and then appointing its provisional appointee, Ronald Cloos, on a subsequent certification. Therefore, there is good cause to permit the appellant to amend his application in this particular matter and to accept his work experience for the appointing authority and as a Mechanic from 2003 to 2008. Accordingly, good cause is established to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and admit Mr. McMillan to the subject examination. It is noted that this determination is limited to the instant situation and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, and Mr. McMillan'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 DAY 10th OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Donald McMillan
Keith Goetting
Kelly Glenn
Records Center



Job Announcements

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printable version

Symbol: C0749T

Title: MECHANIC

Issue Date: 09/22/2015

Closing Date: 10/13/2015

Jurisdiction: OCEAN COUNTY

Salary: \$34,650.00 - \$39,940.00 Per Year

Num. of Positions: 1

Workweek: 40 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

Ocean County

REQUIREMENTS:

TRAINING: Successful completion of one (1) year of training in automotive technology at an accredited community college or vocational school. Please upload proof of successful completion of one (1) year of training with your application. Failure to do so will result in ineligibility.

NOTE: Foreign transcripts must be evaluated by a recognized evaluation service. Please upload a copy of your evaluation with your application. Failure to do so will result in ineligibility.

EXPERIENCE: Two (2) years of experience in the maintenance and repair of various types of motor vehicles and/or construction equipment such as bulldozers, tractors, cranes, road graders, power shovels, or similar equipment.

NOTE: Applicants who do not possess the required year of formal training may substitute one (1) additional year of experience as outlined above.

NOTE: Possession of a certificate as an automotive mechanic issued by the National Institute for Automotive Service Excellence may be substituted for the one (1) year of formal training as indicated above. If you are substituting a certificate for the required formal training, please upload a copy of your certificate with your application. Failure to do so will result in ineligibility.

LICENSE: Appointees will be required to possess a valid New Jersey driver's license. Please upload a copy of your license with your application.

NOTE: The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

NOTE: This announcement is posted from September 22, 2015, through October 13, 2015, and is being amended for requirements. If you filed an application already, you do not need to submit an additional application at this time.

NOTE: Please refer to the job specification 02434 for additional notes.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.nj.gov or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional

information.

6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

- Read Description of Job and Specification: **02434**
- **Click here to apply via the Online Application System**

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