



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jonathan Helwig,
Equipment Operator (PM2347T),
Middletown Township

Examination Appeal

CSC Docket No. 2016-4496

ISSUED: **DEC 07 2016** (WR)

Jonathan Helwig appeals his score on the promotional examination for Equipment Operator (PM2347T), Middletown Township.

By way of background, the subject examination was open, in part, to employees in the non-competitive division who possessed one year of continuous permanent service as of the closing date of November 21, 2015, were currently serving as a Laborer 1 or a Truck Driver and possessed one year of experience in the operation and maintenance of construction and maintenance equipment. The examination was processed as a "ranked unassembled" examination involving the evaluation of education, training and experience. An eligible list containing the name of 11 individuals promulgated on April 7, 2016 and expires on April 6, 2019. A certification was issued on April 11, 2016 and returned on July 20, 2016, indicating that four individuals were appointed, effective April 11, 2016. It is noted that the appellant, who ranked ninth, was not reachable for appointment.

On his application, the appellant indicated that he had worked as a "Parks Maintenance" from July 2008 through the closing date and as a Laborer from November 2004 to July 2008. Agency records indicate that the appellant worked as a Laborer 1 from November 2004 to September 2007; as a Park Maintenance Worker from September 2007 to December 2011; as a Maintenance Worker 1, Grounds from December 2011 to November 2014; and as an Laborer 1 from

November 2014 to December 2015.¹ The Division of Agency Services (Agency Services) determined that the appellant met the announced requirements and admitted him to the subject examination. In determining his score, Agency Services credited him with two years and 11 months of applicable experience, based on his service as a Laborer. However, he was not credited with any additional time, as the performance of relevant duties in the titles of Park Maintenance Worker and Maintenance Worker 1, Grounds would be considered out-of-title.

On appeal to the Civil Service Commission (Commission), the appellant argues that his operation and maintenance of construction and maintenance equipment during his 11-year employment with Middletown Township should award him a higher score on the subject examination. Specifically, he states that as a Parks Maintenance Worker, he operated various construction equipment on a daily basis.

It is noted that the job description for Maintenance Worker 1, Grounds states that an incumbent in this position performs routine work in caring for and maintaining park grounds, athletic fields/turf and related equipment, recreational areas, facility grounds, and other landscaped and lawn areas. The job description for Park Maintenance Worker states that an incumbent performs a variety of routine maintenance, repair, and cleaning tasks involved in the care of grounds and associated facilities and equipment. Agency records indicate that the Park Maintenance Worker was consolidated into the Maintenance Worker 1, Grounds title per Commission decision on December 21, 2011.

CONCLUSION

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals. *N.J.A.C.* 4A:4-2.6(c) provides that applicants for promotional examinations may not use experience gained as a result of out-of-title work for credit in the examination process unless good cause exists. In the present matter, Agency Service determined that while the appellant may have performed relevant duties as a Maintenance Worker 1, Grounds and as a Park Maintenance Worker, the work he performed was out-of-title. On appeal, the appellant merely reiterates that he performed out-of-title work as a Maintenance Worker 1, Grounds and Park Maintenance Worker and does not establish that good cause exists to accept his out-of-title work.

Finally, it is noted that, pursuant to long standing policy utilized by this agency, only relevant experience gained within the 10-year period immediately preceding the closing date is acceptable for examination scoring purposes since rapid changes in certain fields make recent experience a more valid indicator of

¹ It is noted that the appellant was appointed, provisionally pending promotional examination procedures, to the title of Equipment Operator, effective December 27, 2015.

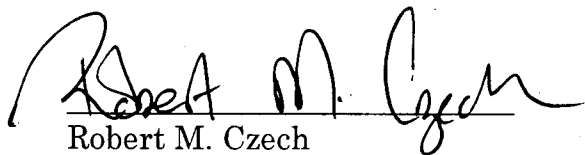
knowledge of current trends and the state of the art than experience gained many years ago. See *In the Matter of Debra Cavallo* (Commissioner of Personnel, decided August 11, 1997), citing *In the Matter of Peter A. Smith* (Civil Service Commission, decided April 17, 1984). Consequently, the experience that the appellant gained prior to November 21, 2005 is not credited for scoring purposes. Therefore, he was properly credited with two years and 11 months of experience for scoring purposes. Accordingly, the appellant has failed to meet his burden of proof in the matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 7th DAY OF DECEMBER, 2016



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