



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Floyd Dyer and Jose
Santiago, Institutional Trade
Instructor 2, Warehousing (PS2987I),
South Woods State Prison

Examination Appeals

CSC Docket Nos. 2017-1725 and
2017-1678

ISSUED: FEB 10 2017 (SLK)

Floyd Dyer and Jose Santiago appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirement for the promotional examination for Institutional Trade Instructor 2, Warehousing (PS2987I), South Woods State Prison. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2016 closing date (see attached). A total of six employees applied for the examination and one was determined eligible. Certification PS161663 was issued containing the name of the two eligibles¹ and has a disposition due date of March 16, 2017. The list expires on November 16, 2019.

Mr. Dyer indicated on his application that he was a Transport Hauler from November 2001 to the June 21, 2016 closing date.² Agency Services determined that he lacked three years of the required experience.

¹ The same individual is listed in both positions on the certification. In this regard, she appeared on a prior unexpired list for the subject title.

² Personnel records also indicate that Mr. Dyer was provisionally appointed to the subject title on June 11, 2016 and was provisionally appointed pending a qualifying examination to Storekeeper 2 effective October 1, 2016.

Mr. Santiago indicated on his application that he was provisionally serving in the subject title from April 2016 to the June 21, 2016 closing date, a Transport Hauler from August 2007 to April 2016, a Warehouse Supervisor for Cedar Farms Company from 1991 to 2000, and had various other positions. Agency Services credited the appellant with having three years of general experience, but determined that he lacked one year of training experience.

On appeal, Mr. Dyer presents that for the last 14 years he has been serving in a warehousing title. In his first position, he indicates that he managed a warehouse that required loading and unloading trucks daily along with setting up loads for deliveries. Additionally, he designed a rotation program for raw products dry goods, conducted daily freezer counts, rotated overflow stock, and maintained daily logs and seals for the dock. For the past 5 years, he indicates that he supervised the loading and unloading of all incoming trucks, daily logs, staffing, and daily operations. Further, he represents that he was responsible for payroll, staffing, and fleet maintenance. Moreover, he oversaw safety training and records for forklifts.

Mr. Santiago states that in 1992 he was promoted to Warehouse Supervisor for Cedar Farms Company where he trained a staff of 10 on the storage and distribution of product and supplies. These duties included making sure that product was shipped, received, and distributed in a safe and efficient manner by performing daily inspections. He explains that he was in charge of training and safety as well as covering for absent staff. He asserts that his 9 years of experience at Cedar Farms enables him to meet both the general and training experience requirements.

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. Further, *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 purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants did not meet the required experience requirements. Mr. Dyer's primary experience as a Transport Hauler was focused on transport duties and not inventory duties. Further, while Mr. Santiago may have performed training duties as a Warehouse Supervisor, training was not the primary focus of this position. However, it cannot be ignored that the appellants have numerous years of experience performing the required warehousing duties, including training workers. Therefore, although the appellants' experience does not precisely mirror the requirements contained in the announcement, the Civil Service Commission is satisfied that the totality of the appellants' warehousing and training experience warrants their admission to the subject examination. Moreover, the list is incomplete since only one viable

candidate appears on the certification and Mr. Santiago continues to provisionally serve in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the totality of appellants' experience and training, for eligibility purposes only, and admit them to the subject examination.

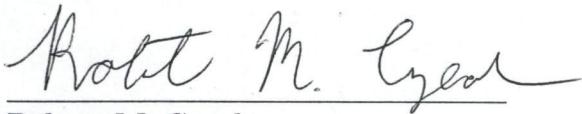
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted and Floyd Dyer's and Jose Santiago's applications 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 8th DAY OF FEBRUARY, 2017



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: Floyd Dyer
Jose Santiago
Jennifer Caignon
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS2987I	WEIGHT CODE: *
TITLE: INSTITUTIONAL TRADE INSTRUCTOR 2 WAREHOUSING	SALARY: \$46,589.00 - \$65,781.00
ISSUE DATE: June 01, 2016	CLOSING DATE: June 21, 2016
TITLE CODE: 406231/F3RXR2	CLASS CODE: 18
DEPARTMENT: COIE/CORRECTIONS	
UNIT SCOPE: I380 South Woods State Prison (Bridgeton)	

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Experience: Three (3) years of experience in the warehouse and/or commissary trades which include the receipt, recording, storage and distribution of varied types of equipment, materials, and supplies, one (1) year of which shall have been in the training of new workers.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. 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

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. **ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.**
6. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**
7. If you are having difficulty submitting your application online, technical support and customer care 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.state.nj.us 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.**

DPF-256A * Revised 03/09