



STATE OF NEW JERSEY

In the Matter of Stephen Branco,
Inspector Road Openings (M0033B),
City of Vineland

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

CSC Docket No. 2021-350

Examination Appeal

**ISSUED: DECEMBER 21, 2020
(RAM)**

Stephen Branco appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the open competitive examination for Inspector Road Openings (M0033B), City of Vineland.

By way of background, the announcement for the subject examination was issued on December 15, 2019 and was open to residents of the City of Vineland, Cumberland County, Atlantic County, Cape May County, Gloucester County and Salem County who possessed one year of experience in maintenance and construction work which shall have included the reading and interpreting of plans and specifications as of the January 6, 2020 closing date. It is noted that three candidates applied for the subject examination and all three candidates were found ineligible. As a result, the examination was cancelled effective October 9, 2020.

Agency Services' review of the appellant's application and resume determined that his experience in several positions had some aspects of the required experience, but the primary focus of his job duties was either planning/zoning, traffic regulation, or not in maintenance and construction work. Agency Services indicated that the appellant had three months of experience in his provisional title of Inspector Road Openings as he noted in his resume that he began employment in November 2019.¹ However, the appellant listed duties that mimicked the Job Specification Definition,

¹ Agency records indicate that appellant has been serving provisionally pending open competitive procedures in the subject title since December 2, 2019.

Examples of Work, and the experience requirement for that title. Therefore, Agency Services concluded that the appellant lacked the one year of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he met the one year of required experience listed on the announcement for the title of Inspector Road Openings based on his 13 years as a Police Traffic Officer with the Washington Township Police and his combined four years of experience with the Borough of Clayton as a member of the Planning/Zoning Board and his current provisional employment as an Inspector of Road Openings with the City of Vineland. With regard to his provisional experience, the appellant reiterates his duties, listing the description set forth in the Job Specification Definition, Examples of Work, and the experience requirement for the title. The appellant also presents a letter from his supervisor setting forth his specific duties since his provisional appointment.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Agency Services was correct in its initial determination that the appellant did not meet the one year of required work experience for the subject examination prior to the January 6, 2020 examination closing date, as he listed experience that either was not applicable or did not specifically describe his actual provisional work experience. With regard to the latter, simply quoting the duties contained in a job specification on an application is not a sufficient basis on which to determine if a candidate's *specific* duties would meet the requirements for an examination. Candidates must demonstrate that the duties they perform qualify them for admission to the examination. *See e.g., In the Matter of Cynthia Brown* (CSC, decided October 23, 2019) and *In the Matter of Maxsine Allen and Vivian Stevenson* (MSB, decided March 10, 2004).

On appeal, the appellant reiterates the duties of his provisional title which mimic the Job Specification Definition, Examples of Work, and the experience requirement for his title. Nevertheless, his supervisor lists specific duties that the appellant has performed during his provisional service, which the Commission finds acceptable. Therefore, the appellant should be credited for this experience. It is noted that experience in the duties of a title under test is accepted as relevant experience. *See In the Matter of Ava Davenport* (CSC, decided February 4, 2015). The Commission notes, however, that when applying for future examinations, the appellant should not copy the job specifications when describing his experience, and instead, ensure that his application completely describes his job duties in his own

words so that Agency Services can properly evaluate it. Further, the Commission warns the appellant that his failure to do so may lead to his ineligibility in future examinations. *See In the Matter of Ryan Rosado, Sr.* (CSC, decided February 12, 2020). *Compare, In the Matter of Margaret S. Chann* (MSB, decided November 4, 2004) (Clarification of duties on appeal that appear to mimic the required duties listed on the job specification rather than describe actual responsibilities while serving in a particular position, in the absence of any corroborating information, is not considered acceptable clarification of experience). *See also, In the Matter of John Hermann* (MSB, decided July 19, 2006) (Appellant who mimicked a number of the characteristic tasks verbatim from the job specification on reconsideration did not establish that he is primarily engaged in or had experience in that type of work as his original application evidenced duties of a completely different title series).

Moreover, as noted above, other than his provisional service, the appellant's work experience does not provide him with one year of applicable experience as of the examination closing date because the primary focus of the duties of those positions was not the duties required for the test. In other words, qualifying experience has the announced experience as the primary focus. The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007).

Nonetheless, a review of agency records indicate that the appellant was appointed provisionally to the Inspector Road Openings title, effective December 2, 2019, and he continues to serve provisionally in that title. Based on the foregoing, the Commission finds that, for examination eligibility purposes, the appellant has been performing the duties since his appointment to the subject title. Therefore, the appellant now possesses enough applicable experience based on his service. Under these circumstances, the Commission finds that good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.3(b)2* and admit the appellant to the examination. *See, e.g., In the Matter of Anthony Gowers* (MSB, decided September 6, 2006) and *In the Matter of Patricia Mulford* (MSB, decided August 11, 2004) (Where examination is not competitive, and provisional candidate gained enough additional experience after the closing date to satisfy experience requirement, good cause exists to relax regulatory provisions and accept provisional experience after the closing date, for eligibility purposes only, and admit the appellants to the examination). Thus, absent accepting the appellant's provisional experience after the closing date, no other eligible candidate can be appointed as the subject examination has been cancelled. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement

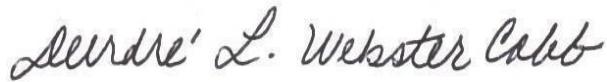
opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation 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 16TH DAY OF DECEMBER 2020



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