

B-57



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Todd Caton, Traffic
Signal Supervisor 1 (PC0480S),
Ocean County

Examination Appeal

CSC Docket No. 2015-375

ISSUED: OCT 03 2014 (SLK)

Todd Caton appeals the determination of the Division of Selection Services (Selection Services) that, per the substitution clause, he was below the minimum requirements in experience for the promotional examination for Traffic Signal Supervisor 1 (PC0480S), Ocean County.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2014 closing date (see attached). Mr. Caton was the only employee who applied for the subject examination that was cancelled due to a lack of qualified candidates.

On Mr. Caton's application, he indicated that he was provisionally serving in the title under test from March 2012 to the March 21, 2014 closing date, an Assistant Supervisor, Traffic Maintenance from November 2006 to March 2012, a Traffic Signal Technician 1 from May 2003 to November 2006, a Senior Traffic Maintenance Worker from January 2001 to May 2003, a Traffic Maintenance Worker from May 1999 to January 2001, a Laborer 1 from September 1998 to May 1999, a Traffic Maintenance Worker from November 1997 to September 1998, and a Laborer 1 from May 1995 to November 1997. Personnel records indicate that the appellant was provisionally serving in the subject title from March 2012 to the March 21, 2014 closing date, an Assistant Supervisor, Traffic Maintenance from September 2003 to March 2012, a Traffic Signal Technician 1 from May 2003 to September 2003, a Senior Traffic Maintenance Worker from September 2000 to May 2003, a Traffic Maintenance Worker from June 1999 to September 2000, a Laborer 1 from September 1998 to June 1999, a Traffic Maintenance Worker from November

1997 to September 1998, and a Laborer 1 from May 1995 to November 1997. Selection Services credited Mr. Caton with two years and one month of general and supervisory experience based on his provisional experience in the subject title and an additional five months of experience as a Traffic Signal Technician 1, but determined, per the substitution clause, that he lacked two years and six months of general experience.

On appeal, Mr. Caton states that he has 11 years of experience and he submits Traffic Signal Inspector and Traffic Signal Field Technician training certificates that he has earned. The appellant maintains that although his permanent title is Assistant Supervisor, Traffic Maintenance, he is performing the duties of the subject title. Mr. Caton presents that his current daily responsibilities consist of supervising traffic signal repair crews along with the maintenance, emergency trouble shooting and installation of all county traffic signals. The appellant also represents that as an Assistant Supervisor, Traffic Maintenance, he trained signal technicians and others on how to properly install traffic signals and worked with various personnel to maintain the over 400 county traffic signals.

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. *N.J.A.C.* 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. Further, *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, Selection Services correctly determined that Mr. Caton was not eligible for the subject examination. As of the announced closing date, the appellant's application did not indicate that he had five years of experience where his primary responsibility was work involving the installation, maintenance and repairs of electrical or electronic components, equipment or systems. In accordance with *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. Furthermore, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004). Although the information on his original application did not precisely mirror the requirements, Mr. Caton clarified his application by explaining that, in addition to his provisional

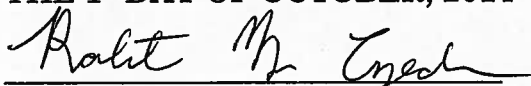
experience in the subject title and as a Traffic Signal Technician 1, as an Assistant Supervisor, Traffic Maintenance, his responsibilities included training personnel on the installation of traffic signals and that he supervised and worked with personnel in the maintenance of traffic signals. Additionally, the appellant possesses training certificates as a Traffic Signal Inspector and as a Traffic Signal Technician. Furthermore, Mr. Caton continues to serve provisionally in the subject title and this is not a competitive situation as he was the only applicant for the subject examination. Under these circumstances, good cause exists to relax the provisions of N.J.A.C. 4A:4-2.6(a) and accept the appellant's clarifying information that he provided on appeal as well as the totality of his experience as far back as May 2003 and his certifications and admit him to the subject examination. Accordingly, admitting Mr. Caton to the subject examination will provide the appointing authority with an eligible list so that it can make a permanent appointment.

ORDER

Therefore, it is ordered that the 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 OCTOBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

**c: Todd Caton
Keith Goetting
Dan Hill
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PC0480S	WEIGHT CODE: *
TITLE: TRAFFIC SIGNAL SUPERVISOR 1	SALARY: \$44,500.00 - \$62,620.00
ISSUE DATE: March 01, 2014	CLOSING DATE: March 21, 2014
TITLE CODE: 06819/ CCRQR1	JURISDICTION CODE: T15000025
JURISDICTION: OCEAN COUNTY	
DEPARTMENT: ENGINEER	

RETURN COMPLETED APPLICATIONS TO: **ONLY ON LINE APPLICATIONS
 WILL BE ACCEPTED
 FOR THIS ANNOUNCEMENT**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Traffic Signal Technician 2 05219

Or 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:

Education: Completion of a vocational, technical or specialized training program in electrical or electronic technology. If you have the required certification, you must indicate this on your application; proof of the certification must be submitted with your application. Failure to do so will result in rejection from the examination process.

Experience: Three (3) years of experience in work involving the installation, maintenance and repair of electrical or electronic components, equipment or systems. One (1) year of the required experience shall have been in a supervisory or leadworker capacity.

License: Appointees must possess valid driver's license issued by the New Jersey Division of Motor Vehicles. Proof of license must be submitted to appointing authority prior to appointment.

Appointees may also be required to possess a valid Commercial Driver's License (CDL) Class B for the class and type of vehicle being operated. 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.

Appointees may be required to possess a FCC General Radiotelephone Operator License, Radio Industry Competency Certificate or equivalent license or certification specific to radio operation and repair.

Applicants who do not possess the required education may substitute two (2) years of additional nonsupervisory experience.

NOTE: As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. 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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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 (i.e. Police, Fire, Corrections and Sheriff).
6. SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED! You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an immediate receipt confirmation!

DPF-256A * Revised 03/09

