

B-27



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert J. Sanders,
Road Repairer 1 (C0175S),
Atlantic County

CSC Docket No. 2015-220

Examination Appeal

ISSUED: NOV 21 2014 (DASV)

Robert J. Sanders appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Road Repairer 1 (C0175S), Atlantic County.

By way of background, the subject examination was announced with a closing date of March 10, 2014 and requirements pursuant to the attached announcement. Three individuals were initially found eligible for the examination and appeared on the resulting eligible list, which promulgated on July 3, 2014 and expires on July 2, 2017. A certification of the eligible list was issued on July 7, 2014. In disposing of the certification, the appointing authority removed the first two listed eligibles and appointed the third listed eligible effective September 29, 2014.¹ It is noted that the appellant and another individual² have been serving provisionally pending open competitive examination procedures in the subject title since February 2014.

On his application, Mr. Sanders indicated only his "Inventory" position with Best Buy from May 2004 to March 2014. His duties included the care of the shipping and receiving of products, stock counts, processing and unloading trucks, and training new employees. Upon its review, the Division of Selection Services found that Mr. Sanders lacked the one year of required experience.

¹ The eligibles had the same rank of one.
² This provisional employee was initially found ineligible for the subject examination. However, upon his appeal, the Division of Selection Services accepted the clarification of his experience and his name was added to the eligible list for Road Repairer 1 (C0175S), Atlantic County, for prospective appointment only. His name did not appear on the July 7, 2014 certification.

On appeal to the Civil Service Commission (Commission), Mr. Sanders states that he possesses applicable experience, which he gained from his former employment with the Township of Galloway Department of Public Works from June 2006 to September 2008. His duties included maintaining and cleaning the grounds; using various equipment for weed control; oiling, greasing and maintaining machinery; helping load and unload trucks; shoveling gravel and sand; painting guard rails and fencing; shoveling and plowing snow; laying down salt on walkways; and keeping buildings safe for pedestrians. In support of his appeal, Mr. Sanders submits a reference check letter, dated January 21, 2014, wherein the Township of Galloway Department of Public Works confirms his employment as a Maintenance Employee 3 from June 2006 to September 2008. Mr. Sanders also submits his employment application to Atlantic County, which lists his position with the Township of Galloway Department of Public Works. Additionally, Mr. Sanders indicates on appeal that he continues to serve provisionally as a Road Repairer 1 and has obtained the required commercial driver's license. He notes that he did not retain a copy of the examination application and is "not fully certain" whether "the pertinent information relative to [his] specific work experience for the eligibility determination was provided."

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive announcement by the closing date. *N.J.A.C.* 4A:4-2.1(g) provides that the Commission may request clarifying information from an applicant.

In the instant matter, Mr. Sanders was required to possess one year of experience in the cleaning, maintenance, and repair of roads or streets which may include work involving the installation and maintenance of traffic lines and signs, or one year of experience as a laborer in a public works department. Mr. Sanders gained applicable experience in his provisional position as a Road Repairer 1 and in his former position with the Township of Galloway Department of Public Works. However, he did not list these positions on his application. In that regard, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date for filing applications. Nevertheless, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. In the present matter, Mr. Sanders has continued to serve provisionally in the subject title since February 2014. The July 7, 2014 certification of the subject eligible list has been disposed of and the original list of eligible candidates has been exhausted. Only the other provisional employee remains. Under these circumstances, the subject eligible list is incomplete. Finally, it must be recognized that Mr. Sanders possesses the requisite year of experience, and, but for the omission of his positions from his application, he would have been deemed

eligible for the subject examination. Therefore, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and consider Mr. Sanders' other experience. Mr. Sanders is cautioned, however, that when submitting examination applications in the future, he must accurately and completely present his employment history. Absent the submission of a complete application, this agency is unable to evaluate experience to determine eligibility.

ORDER

Therefore, it is ordered that this appeal be granted, and Robert J. Sanders' application be processed, for prospective appointment 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 19TH DAY OF NOVEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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: Robert J. Sanders
Dennis Levinson
Kelly Glenn
Joseph Gambino



Job Announcements

Symbol: C0175S Title: **ROAD REPAIRER 1**
Issue Date: 02/17/2014
Jurisdiction: ATLANTIC COUNTY
Num. of Positions: 1
Application Fee: \$25.00

Closing Date: 03/10/2014
Salary: \$24,150.00 Per Year
Workweek: 40 Hours per week

OPEN TO RESIDENTS OF:
Atlantic County

REQUIREMENTS:

EXPERIENCE: One (1) year of experience in the cleaning, maintenance, and repair of roads or streets which may include work involving the installation and maintenance of traffic lines and signs, or one (1) year of experience as a laborer in a public works department.

LICENSE: Appointee 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 essential duties of the position.

Appointees must possess a valid Commercial Driver's License (CDL) Class B with Airbrakes and Tanker endorsements.

Note: The above requirement must be met within 90 days of being hired.

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.

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. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. 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.

close window