

B-32

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Lilian Caparruva,
Assistant Superintendent of Weights
and Measures (PM0645S), Elizabeth

Examination Appeal

CSC Docket No. 2015-842

ISSUED: DEC 08 2014 (SLK)

Lilian Caparruva appeals the determination of the Division of Selection Services (Selection Services) that she was below the minimum requirements in experience for the promotional examination for Assistant Superintendent of Weights and Measures (PM0645S), Elizabeth.

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

Ms. Caparruva indicated on her application that she was provisionally serving in the title under test from September 2013 to the June 21, 2014 closing date, and had served as a License Inspector from June 2005 to September 2013, a Clerk 2 from May 2004 to June 2005, and a Clerk 1 from November 2001 to June 2005.¹ Selection Services credited the appellant with 10 months of experience based on her provisional experience in the subject title, but determined her other experience was not applicable. Therefore, it determined that she lacked two years and two months of experience.

On appeal, Ms. Caparruva states that she has nine years of cumulative weights and measures experience. The appellant outlines her duties while serving provisionally in the subject title since September 2013 and maintains that she performed a variety of complex weight and measurement investigations while serving as a License Inspector. In this regard, she asserts she performed investigations involving devices, vehicles, precious metals, timing devices and time

¹ Personnel records indicate that the appellant was a Clerk 1 from November 2001 to May 2004.

posting requirements, overcharges based on distance, and commodity audits. The appellant also indicates that she investigated complaints from the public where she recommended corrective actions and issued summonses for prosecution, interpreted and revised municipal ordinances, and entered data related to licenses, inspections, and investigations into the computer system. Additionally, Ms. Caparruva submits a letter from the appointing authority's Business Administrator in support of her appeal that confirms that she received her license from the State as an Assistant Superintendent of Weights and Measures and had been a Certified Inspector since 2005. Moreover, the appellant submits a letter in support of her appeal from the Superintendent of Weights and Measures, who states that he trained her prior to her completing and passing her State licensure courses and that she has performed well in the subject title.

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. Under *N.J.A.C.* 4A:4-2.1(g), 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.

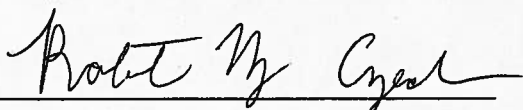
Initially, Selection Services correctly determined that the appellant did not meet the required experience as of the June 21, 2014 closing date as she only had 10 months of provisional experience in the subject title. However, on appeal, Ms. Caparruva clarifies that as a License Inspector for over eight years, she performed various duties associated with the investigation of various weights and measures issues. Further, the appointing authority and the appellant's supervisor have indicated that she has completed the Weights and Measures training conducted by the State Office of Weights and Measures. Therefore, although Mr. Caparruva's experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of her varied levels of experience in the subject title and as a License Inspector as far back as June 2005 warrants her admission to the subject examination. Furthermore, the appellant continues to serve provisionally in the subject title and this is not a competitive situation as she 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 totality of Ms. Caparruva's experience, for eligibility purposes only, and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and Ms. Caparruva'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 3rd DAY OF DECEMBER, 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: Lilian Caparruva
Bridget Zellner
Kelly Glenn
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: PM0645S | WEIGHT CODE: * |
| TITLE: ASSISTANT SUPERINTENDENT OF WEIGHTS AND MEASURES | SALARY: \$59,009.00 - \$60,809.00 |
| ISSUE DATE: June 01, 2014 | CLOSING DATE: June 21, 2014 |
| TITLE CODE: 00445/ F3RVR2 | JURISDICTION CODE: N20040001 |
| JURISDICTION: ELIZABETH | |
| DEPARTMENT: ADMINISTRATION | |

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 in any competitive title and meet the requirements listed below:

Experience: Three (3) years of experience in servicing and repairing, testing, or calibrating weighing and measuring devices.

Note: Thirty (30) credit hours from an accredited college or university in the fields of Engineering, Physics, Electronics or Mathematics may be substituted for one (1) year of the indicated experience. Applicants must provide proof of the specific credit requirement. You must attach a copy of your transcript to your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

NOTE: Applicants must have successfully completed the Weights and Measures training program conducted by the State Office of Weights and Measures, Department of Law & Public Safety.

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 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. 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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.

DPF-256A * Revised 03/09