



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert C. Anderson
III, Equipment Operator (PS2898T),
Department of Transportation

Examination Appeal

CSC Docket No. 2014-2414

ISSUED: JUL 31 2014 (HS)

Robert C. Anderson III appeals the determination of the Division of Selection Services (Selection Services), which found that he did not meet the experience requirement for the promotional examination for Equipment Operator (PS2898T), Department of Transportation.

The subject examination was announced with a closing date of October 21, 2013 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in a title to which the announcement was open. The examination was also open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date, who were serving in a title to which the announcement was open including the title of Highway Marker, and who met the listed requirements. The requirements included one year of experience in the operation, adjustment and maintenance of mechanized highway and/or other construction and maintenance equipment. The eligible list promulgated on July 10, 2014 and expires on July 9, 2017. There are 120 active eligibles on the list.

The appellant served permanently in the title of Highway Marker from January 2010 through the closing date. As such, the appellant was required to possess one year of experience in the operation, adjustment and maintenance of mechanized highway and/or other construction and maintenance equipment. On his application, the appellant listed his experience in the position of Highway Marker. He also attached a resume which included experience as a Maintenance

Worker 1 and 2, Transportation and various awards and certificates. He was found to be lacking one year of experience in the operation, adjustment and maintenance of mechanized highway and/or other construction and maintenance equipment as of the closing date.

On appeal, the appellant states that he has the necessary experience in operating equipment. Specifically, the appellant notes that he served in the title of Maintenance Worker 1, Transportation from 2003 to 2009, a position he noted on his resume, and that his experience in that position included the operation of various types of equipment. The appellant further submits copies of the job specifications for Highway Marker and Maintenance Worker 1, Transportation with various Examples of Work highlighted to indicate duties he performed serving in these titles. Specifically, the appellant highlights the following Examples of Work in the job specification for Highway Marker: operates, regulates and adjusts air compressors, gasoline motors, power spray guns, bead dispensers, power take-off pumps and mobile line painters, and other equipment as required on a crosswalk crew or as an assistant to a Heavy Equipment Operator (Highway Marking) on a line-stripping vehicle; and operates pick-up, ladder and aerial platform trucks, air compressors, pneumatic and electric hammering and drilling equipment, banking equipment and miscellaneous hand tools required for erecting and maintaining signs. The appellant highlights the following Examples of Work in the job specification for Maintenance Worker 1, Transportation: mows grass, cuts weeds, clears brush, maintains slopes and roadsides, and picks up litter and debris; drives trucks or tractor mowers of various types as required, including trucks used for highway maintenance work, road oiling, snow plowing, line striping, ice control work or mowing operations and other motorized equipment; assists with the repair and installation of snow plows and spreaders; checks, cleans, washes and makes minor adjustments to trucks, tractors and other motorized equipment, and may be required to grease and change the oil of motorized equipment; and when operating as a relief driver or operator, keeps simple records of receipts, deliveries, fuel consumption and mileage. Finally, the appellant notes that he has been admitted to previous examinations for the subject title.¹

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

Initially, with regard to the appellant's argument that he was found eligible for previous examinations for the same title, it is noted that eligibility is determined on the basis of each discrete announcement.

¹ Agency records indicate he was admitted to two previous examinations for the title of Equipment Operator, symbols PS3670T and PS3991T.

It is also noted that 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). In the present matter, the experience requirement consisted of the operation, adjustment *and* maintenance of mechanized highway and/or other construction and maintenance equipment. The record indicates that the appellant possesses experience in the operation and adjustment of relevant types of equipment. On appeal, the appellant highlights several Examples of Work in the job specifications for Maintenance Worker 1, Transportation and Highway Marker. However, 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 In the Matter of Margaret S. Chann* (MSB, decided November 4, 2004). Moreover, a review of the job specifications for the titles of Highway Marker and Maintenance Worker 1, Transportation do not indicate that the primary focus of either position is the operation, adjustment *and* maintenance of the required equipment. The remaining Examples of Work highlighted by the appellant pertain to the operation and adjustment of various types of equipment.

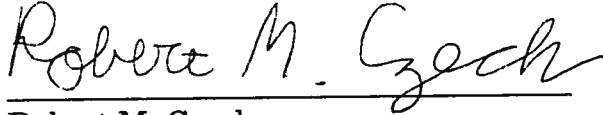
The appellant was denied admittance to the subject examination since he lacked the minimum requirements in experience. An independent review of all material presented indicates that the decision of the Division of Selection Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 30TH DAY OF JULY 2014



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