



STATE OF NEW JERSEY

In the Matter of Stephen Krakovsky,
Mechanic (M0013S), Brick Township

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2719

Examination Appeal

ISSUED: JUL 30 2014 (SLK)

Stephen Krakovsky appeals the determination of the Division of Selection Services (Selection Services) which found that he was below the minimum requirements in experience for the open competitive examination for Mechanic (M0013S), Brick Township.

The examination at issue was announced with specific requirements that had to be met as of the January 6, 2014 closing date (see attached). Four individuals applied for the subject examination which resulted in a list of three eligibles that expires on May 7, 2017. It is noted that there are three employees serving provisionally, pending open competitive examination procedures, in the subject title. Further, certification OL140606 was issued on May 14, 2014 containing the names of the three eligibles.

On Mr. Krakovsky's application, he indicated that he was a Carpenter for Unique Scaffold from April 4, 2012 to the January 6, 2014 closing date. A review of Mr. Krakovsky's personnel records indicates that he had previously served as a Mechanic for the appointing authority from September 2009 until he resigned in good standing in March 2012. He also indicated that he had completed one year of training in automotive technology. Selection Services determined that none of his experience was applicable. It also commented that he had not provided proof that he had completed one year of training in automotive technology.

On appeal, the appellant presents that this is his first experience completing an on-line application and that he mistakenly did not include all the necessary

details about his job experiences. He highlights that he neglected to include in his application that he was a former employee of Brick Township as a Mechanic. He indicates that he held this position from December 2009 until March 2012 when he left in good standing. Additionally, he also inadvertently left off his experience as a Mechanic for Finelli Landscaping from 2008 to 2009, as an Owner for Krakovsky's Auto from 2005 to 2008, and as a Diesel Mechanic for High Gear Truck Transportation from 2003 to 2005. He also presents that he was a student at WyoTech Automotive School from 2002 to 2003. Additionally, he submits his original application to Brick Township, his score showing that he passed an automotive technology program, and evidence of his ownership of Krakovsky's Auto. Further, the Director of Public Works from Brick Township provides a letter in support of his appeal.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellant was not eligible for the subject examination. The appellant did not indicate on his original application the required experience maintaining and repairing motor vehicles. On appeal, the appellant explains that it was the first time he completed an on-line application and therefore he inadvertently failed to list all of his experience as a Mechanic on his application. He also submitted documentation demonstrating that he completed training in automotive technology. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Selection Services can make the initial determination whether to admit or reject an applicant. Selection Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the Commission notes several circumstances present that provide good cause to permit the appellant to amend his application in this particular matter. In particular, there are three provisional appointees serving in the subject title and the list only contains the names of three eligibles. As such, the eligible list is incomplete. Further, the appellant previously had worked for the appointing authority in the subject title and resigned in good standing. Moreover, the appointing authority's Director of Public Works submitted a letter in support of his appeal. Additionally, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to

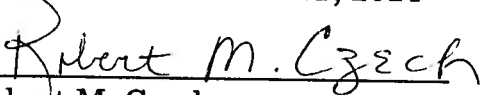
Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). In this regard, the Commission is satisfied that the totality of his experience as a Mechanic as far back as 2002 warrants his admission to the subject examination. Accordingly, good cause is established to relax the provisions of N.J.A.C. 4A:4-2.1(f) and admit the appellant to the subject examination. It is noted that this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this 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 30th DAY OF JULY, 2014


Robert M. Czech
Chairperson
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and
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c: Stephen Krakovsky
Joanne Bergin
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Job Announcements

Symbol: M0013S Title: **MECHANIC**

Issue Date: 12/16/2013

Jurisdiction: BRICK

Num. of Positions: 3

Application Fee: \$25.00

Closing Date: 01/06/2014

Salary: \$38,372.00 - \$59,860.00 Per Year

Workweek: 40 Hours per week

OPEN TO RESIDENTS OF:

Brick Township

REQUIREMENTS:

TRAINING: Successful completion of one (1) year of training in automotive technology at an accredited community college or vocational school. Please submit proof of successful completion of one (1) year of training with your application. Failure to do so will result in ineligibility.

NOTE: Foreign transcripts must be evaluated by a recognized evaluation service. Please submit a copy of your evaluation with your application. Failure to do so will result in ineligibility.

EXPERIENCE: Two (2) years of experience in the maintenance and repair of various types of motor vehicles and/or construction equipment such as bulldozers, tractors, cranes, road graders, power shovels, or similar equipment.

NOTE: Applicants who do not possess the required year of formal training may substitute one (1) additional year of experience as outlined above.

NOTE: Possession of a certificate as an automotive mechanic issued by the National Institute for Automotive Service Excellence may be substituted for the one (1) year of formal training as indicated above. If you are substituting a certificate for the required formal training, please submit a copy of your certificate with your application. Failure to do so will result in ineligibility.

LICENSE: Appointees must possess a valid New Jersey driver's license.

Appointees must possess a valid Commercial Driver's License (CDL) Class B with Air Brake endorsement.

Please submit a copy of your license with your application.

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.

NOTE: Please refer to the job specification 02434 for additional notes.

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.

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