

B-50



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Matthew Smith,  
Mechanic, (M00S10S), Brick School  
District

Examination Appeal

CSC Docket No. 2014-2716

ISSUED: JUL 30 2014

(SLK)

Matthew Smith appeals the determination of the Division of Selection Services (Selection Services) that he was below the minimum requirements in experience for the open competitive examination for Mechanic (M0010S), Brick School District.

The examination at issue was announced with specific requirements that had to be met as of the January 6, 2014 closing date (see attached). Two individuals applied for the subject examination that resulted in a list of one eligible that expires on May 7, 2017.

On Mr. Smith's application, he indicated that he was provisionally serving in the subject title from November 2012 to the closing date, January 6, 2014 and was also a Mechanic for Academy Bus from May 2012 to November 2012. He also indicated that he completed a program in automotive technology from a vocational school. Selection Services credited Mr. Smith with one year and seven months of applicable experience based on his provisional service in the title under test and prior experience as a Mechanic, but determined that he was lacking five months of the required experience. It also commented that he failed to provide proof that he completed one year of automotive technology training.

On appeal, Mr. Smith states that the job title requires one year of experience and that he has been serving provisionally in the subject title for one and a half years. Additionally, he presents that he has four months of experience working as a Mechanic for Academy Lines. Also, he submits his automotive technology diploma

from Lincoln Technical Institute. Further, he encloses a letter of recommendation from the appointing authority's transportation department. Moreover, he asserts that he has more experience as a Mechanic than the job title requires.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *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).

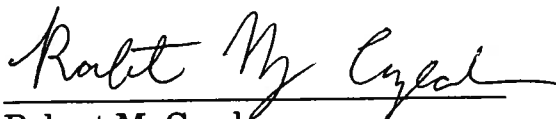
Based on his application, Selection Services correctly determined that Mr. Smith did not meet the required experience as of the January 2014 closing date. However, he has clarified his application by submitting his diploma in automotive technology proving that he meets the education requirements. Further, Mr. Smith continues to serve provisionally in the title under test and the subject list is incomplete, containing the name of only one eligible. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the totality of Mr. Smith's experience, including his provisional experience after the closing date, and admit him to the subject examination. Accordingly, admitting the appellant 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 30<sup>th</sup> DAY OF JULY, 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: Matthew Smith  
Edward McFadden  
Dan Hill  
Joseph Gambino



## Job Announcements

Symbol: M0010S Title: **MECHANIC**

Issue Date: 12/16/2013

Jurisdiction: BRICK SCHOOL DISTRICT

Num. of Positions: 1

Application Fee: \$25.00

Closing Date: 01/06/2014

Salary: \$27,000.00 - \$28,000.00 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 A 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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