



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of John Frankenfield  
Landscape Technician (PS6062T),  
Department of Transportation

CSC Docket No. 2014-2613

Examination Appeal

ISSUED: JUL 18 2014 (DASV)

John Frankenfield appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Landscape Technician (PS6062T), Department of Transportation.

The subject examination was announced with a closing date of November 21, 2013 and requirements pursuant to the attached announcement. In relevant part, the examination was open to employees currently serving in the listed noncompetitive titles who possessed an aggregate of one year of continuous permanent service and two years of experience in the construction and maintenance of landscape areas, including the use of pesticides. Applicants were also required to possess a valid Commercial Driver's License (CDL) and a Registered Commercial Pesticide Applicator Certification. It is noted that 14 individuals were found eligible for the examination, which has not yet been held.

A review of Mr. Frankenfield's application and personnel records indicate that he has been serving in the noncompetitive title of Truck Driver, Single Axle with the Department of Transportation since May 2012. Prior to that position, he served as a Maintenance Worker 1, Transportation from August 2006 to May 2012, and as a Maintenance Worker 2, Transportation from April 2006 to August 2006.<sup>1</sup> Additionally, Mr. Frankenfield listed on his resume that he had worked as a Truck

<sup>1</sup> Although Mr. Frankenfield noted that he began working with the Department of Transportation in April 2006, he did not list his employment as a Maintenance Worker 2, Transportation on his application or resume.

Driver and Truck Driver/Delivery in the private sector from August 1997 to October 2005. Regarding his experience, Mr. Frankenfield stated on his application, among other things, that he has been maintaining highways since April 2006, which has included cutting weeds, grass, and trees and using various equipment, such as a pesticide spray truck. It is noted that on his resume, Mr. Frankenfield specifically listed the use of a pesticide spray truck as a Truck Driver, Single Axle since May 2012, but he did not include this duty while serving as a Maintenance Worker 1, Transportation. With regard to his prior positions, Mr. Frankenfield indicated that he drove a truck and made deliveries. The Division of Selection Services found that Mr. Frankenfield's experience as a Truck Driver, Single Axle was relevant and credited him with one year and seven months of experience (May 2012 to November 2013). However, it did not find his other experience applicable, noting that there was no indication that Mr. Frankenfield had used pesticides in those positions. Therefore, the Division of Selection Services determined that Mr. Frankenfield lacked five months of the required experience and was ineligible for the subject examination.

On appeal, Mr. Frankenfield asserts that he has worked for the Department of Transportation for eight years and has experience in the construction and maintenance of a landscape area, which includes grass cutting, weed whacking, and pruning and planting trees, bushes, and flowers. Additionally, his duties have included using pesticides on tree stumps and right of ways. Mr. Frankenfield notes that he has driven a pesticide truck for the past two years<sup>2</sup> and he possesses a CDL. He is also a licensed Commercial Pesticide Applicator. Mr. Frankenfield submits a copy of his pesticide applicator license, which was issued on November 27, 2013 and expires on October 31, 2014. It is noted that on his application, Mr. Frankenfield indicated that his pesticide applicator license was issued on October 29, 2013 and expires on October 31, 2014.

## 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. Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination and selection disqualification appeals.

In the instant matter, Mr. Frankenfield was serving in the noncompetitive title of Truck Driver, Single Axle. Thus, per the examination announcement, he was required to possess two years of experience in the construction and maintenance of landscape areas, including the use of pesticides. Upon review, the Civil Service Commission finds that Mr. Frankenfield was properly credited with

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<sup>2</sup> It is noted that Mr. Frankenfield's appeal is dated April 26, 2014.

only one year and seven months of experience (May 2012 to November 2013) for his work as a Truck Driver, Single Axle. Although on his application and on appeal Mr. Frankenfield summarizes his duties with the Department of Transportation to include the use of pesticides, Mr. Frankenfield only lists on his resume the use of a pesticide spray truck as a responsibility in his current title of Truck Driver, Single Axle. He does not specify it as a duty as a Maintenance Worker 1, Transportation, or in his prior positions. Moreover, while Mr. Frankenfield states that he has driven a pesticide truck for the past two years, it is not clear whether he also used pesticides in the performance of his duties for a full two years prior to the closing date. It is emphasized 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); *see also, In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

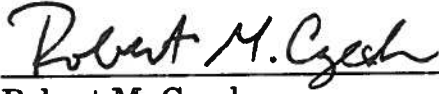
Additionally, applicants were required to possess a Registered Commercial Pesticide Applicator Certification. On his application, Mr. Frankenfield indicated that his pesticide applicator license was issued on October 29, 2013. However, the copy of his license which he submits on appeal states that the license was issued on November 27, 2013 and expires on October 31, 2014. Therefore, Mr. Frankenfield has not shown that he met the license requirement as of the November 21, 2013 examination closing date. Accordingly, a thorough review of all material presented indicates that the determination of the Division of Selection Services, that Mr. Frankenfield did not meet the announced requirements for eligibility by the examination closing date, is amply supported by the record. Thus, Mr. Frankenfield has failed to meet 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 16<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: John Frankenfield  
Dan Hill  
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS6062T

WEIGHT CODE: \*

TITLE: LANDSCAPE TECHNICIAN

SALARY: \$38,352.00 - \$53,859.00

ISSUE DATE: November 01, 2013

CLOSING DATE: November 21, 2013

TITLE CODE: 42133/W3R XR2

CLASS CODE: 14

DEPARTMENT: TPA/TRANSPORTATION

UNIT SCOPE: T222 Maintenance & Operations

APPLICATIONS MAY BE OBTAINED  
 FROM AND MUST BE RETURNED TO:

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the announced closing date in the following title(s):**

**Bridge Operator Trainee  
 Construction and Maintenance Technician 5  
 Engineering Technician 5  
 Equipment Operator  
 Highway Construction and Bridge Repairer 2  
 Principal Clerk Typist  
 Senior Clerk  
 Senior Clerk Typist  
 Senior Repairer  
 Sign Technician 2  
 Sign Technician 3  
 Supply Support Technician 2  
 Supply Support Technician 3**

**Or to employees in the non-competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s), and meet the requirements listed below:**

**Bridge Operator  
 Highway Marker  
 Maintenance Worker 1 Transportation  
 Truck Driver Single Axle**

**Experience:** Two (2) years of experience in the construction and maintenance of landscape areas, including the use of pesticides.

**License:** Appointees must possess a valid Commercial Driver's License (CDL) and applicable endorsements for the class and type of vehicle being operated. Proof of the license must be submitted to the appointing authority prior to appointment. Failure to do so will result in rejection from the examination process.

Appointees will be required to possess a Registered Commercial Pesticide Applicator Certification issued by the Department Environmental Protection and valid in New Jersey. Proof of the license must be submitted to the employing agency prior to appointment. Failure to do so will result in rejection from the examination process.

The responsibility for ensuring that employees possess the required license(s) rests with the appointing authority.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
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- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, 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**
6. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file On-Line" at the top of the announcement. **You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an immediate receipt confirmation!**
7. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**

DPF-256A \* Revised 03/09

