

B-79



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Jason Kaye,  
Assistant Supervisor, Public Works  
(PM0089R), Marlboro

CSC Docket No. 2014-1880

Scoring Appeal

ISSUED: JUL 21 2014 (WR)

Jason Kaye, a Truck Driver, appeals his score on the promotional examination for Assistant Supervisor, Public Works (PM0089R), Marlboro.

The subject examination was announced with a closing date of February 21, 2013, and was open to candidates who were currently serving as either a Senior Public Works Repairer or a Truck Driver and had three years of experience in the construction, maintenance and repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction. The announcement for the subject examination was amended on October 1, 2013 and permitted applications to be submitted by October 21, 2013. However, it stated that "all requirements must be met as of the [February 21, 2013] closing date." The examination was scored by averaging a candidate's seniority score and unassembled score. Candidates currently serving as a Senior Public Works Repairer or Truck Driver were awarded a seniority score of 70. The unassembled score was determined by the amount of aforementioned required experience the candidate possessed. The resulting eligible list of six names promulgated on May 23, 2013 and expires on May 22, 2016. Agency records indicate that no certifications have been issued from the subject eligible list.

On his online application, Mr. Kaye stated that he had worked as a Truck Driver from December 1997 to the closing date, a Seasonal Paving Supervisor from May 2011 to the closing date and a Senior Emergency Medical Technician from October 1997 to the closing date. Mr. Kaye also submitted an addendum to his application, in which he indicated that he was temporarily appointed to the subject

title, effective March 5, 2013. Selection Services determined that Mr. Kaye began working as a Truck Driver in January 2004 and thus credited him with nine years and two months of applicable experience.<sup>1</sup> Based on the foregoing, Mr. Kaye was given a seniority score of 70 and an unassembled score of 88.34 for his applicable experience, for a final average of 82.84. Based on this score, Mr. Kaye ranked fourth on a list of six eligibles.

On appeal to the Civil Service Commission (Commission), Mr. Kaye states that he was temporarily appointed to the subject title, effective March 5, 2013. He contends that he submitted an addendum indicating this on October 18, 2013, but employees from this agency informed him that "it didn't consist of anything that would change [his] score." Mr. Kaye asserts that his experience in the subject title should be credited. Moreover, he claims that the amended announcement for the subject examination permitted the submission of addenda by October 21, 2013. Mr. Kaye claims that a "Human Resources person" from the appointing authority and an employee from this agency both confirmed this to him. In support of this contention, Mr. Kaye submits copies of email communications with employees of this agency. Additionally, Mr. Kaye claims that he was the only eligible to submit an addendum to his application and questions the "validity" of the applications of the eligibles that rank higher than him on the subject eligible list. Finally, Mr. Kaye requests interim relief so that he "will not be impacted by the current list/certification until [his] appeal is heard."

### CONCLUSION

*N.J.A.C.* 4A:2.6(a) requires applicants to possess all the requirements specified in an announcement for a promotional examination by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:4-6.3(b) states that the appellant has the burden of proof in examination appeals.

In the instant matter, Mr. Kaye contends that the October 18, 2013 addendum to his application should be accepted because it is relevant to required experience. As stated above, the announcement for the subject examination was amended to allow submission of an application by October 21, 2013, but the announcement clearly stated that "all requirements must be met as of the [February 21, 2013] closing date." Therefore, since the addendum submitted by Mr. Kaye concerned experience he acquired after the February 21, 2013 closing date, such information was properly not included in the calculation of his score.

---

<sup>1</sup> Personnel records show that Mr. Kaye worked as a Laborer 1 from December 15, 1997 to January 16, 2004.

Regarding Mr. Kaye's challenging of the validity of the other eligibles' applications, Mr. Kaye does not provide specific information or arguments in support of his claim. Without more information, this contention is unsubstantiated and cannot be considered. See *In the Matter of James Raymond, et al.* (MSB, decided January 28, 2004), *aff'd on reconsideration* (MSB, decided May 5, 2004).

Finally, with regard to Mr. Kaye's request for interim relief, as noted above, no certifications have been issued to date, so there is no need for the Commission to act on this request.

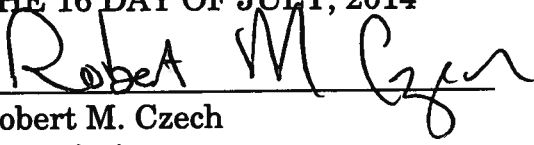
Accordingly, Mr. Kaye has failed to meet his burden of proof in the matter and a sufficient basis exists in the record to support Selection Services' determination that Mr. Kaye's application was properly scored for the Assistant Supervisor, Public Works (PM0089R), Marlboro examination.

### 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 DAY OF JULY, 2014

  
Robert M. Czech  
Commissioner  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Records Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Jason Kaye  
Jonathan Hornick  
Dan Hill  
Joseph Gambino

