

B-105



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Nicolo Caldarola,  
Compliance Officer 1 MVC(PS8682T),  
Motor Vehicle Commission

Examination Appeal

CSC Docket No. 2015-715

ISSUED: FEB 09 2016 (SLK)

Nicolo Caldarola appeals the determination of the Division of Selection Services<sup>1</sup> (Selection Services) that he did not meet, per the substitution clause, the experience requirements for the promotional examination for Compliance Officer 1 MVC (PS8682T), Motor Vehicle Commission.

The subject examination was announced with specific requirements that had to be met as of the May 21, 2014 closing date (see attached). A total of 26 employees applied for the subject examination that resulted in a list of 13 eligibles with an expiration date of January 7, 2018.

On his application, Mr. Caldarola indicated that he was an Auto Mechanic from June 2005 to the May 21, 2014 closing date, a Supervisor/Auto Tech for Fanwood Transmission from July 2002 to June 2005, a Field Service Tech for Eastern CNC from January 2000 to January 2002, a Mechanic for Pepsi Cola from July 1998 to September 1998, and an Auto Mechanic for the Department of the Treasury from March 1993 to May 1997. Selection Services did not credit the appellant with any applicable experience. Consequently, Selection Services determined that per the substitution clause for experience for education, Mr. Caldarola lacked four years of the required experience.

On appeal, the appellant asserts that he possesses more than the required experience. Specifically, Mr. Caldarola states that he has been employed by the

<sup>1</sup> Now known as the Division of Agency Services.

appointing authority in the Internal Monitoring Unit for the past nine years. In this position, he presents that he must monitor inducements on vehicles in his unit and create and apply these inducements which must be in compliance with existing laws, rules, regulation, and procedures. The appellant indicates that no matter what promotional announcement he applies for with the appointing authority, he is told that he is not eligible for that position. For example, he states that he could not apply for Safety Specialist 2, Supervisor 1, and Compliance Officer 1 because the announcements were not open to his title or that he does not have the required experience. Mr. Caldarola maintains that it is unfair that he is stuck in his position for the rest of his career and that he does not have an opportunity to advance like his colleagues.

In response to a letter dated October 21, 2014 from the Division of Appeals and Regulatory Affairs (DARA), the appellant replies that, in accordance with his Performance Assessment Review (PAR) that he submits, inspecting and certifying covert vehicles in accordance with existing laws, rules, regulations and procedures is a primary responsibility and major goal of his position.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A review of the record indicates that Selection Services correctly determined that the appellant is not eligible for the subject examination. In accordance with the substitution clause, Mr. Caldarola needed a total of four years of the required experience to establish eligibility for the subject examination. However, work involving the review and analysis of varied operations to determine compliance with existing laws, rules, regulations, or procedures would be considered out-of-title work for incumbents in the title of Automotive Mechanic. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. The appellant does not provide supervisory documentation that he primarily performed relevant out-of-title work and his application materials do not demonstrate that she performed the required out-of-title work.

Moreover, in reviewing the appellant's application, PAR, and the job specification for Automotive Mechanic, it is clear that the primary focus of the appellant's duties is to maintain and repair motor vehicles. Further, Mr. Caldarola's duties are to ensure that vehicles, and not operations, are in compliance with existing laws, rules, regulations, or procedures. In this regard, in order for experience to be considered applicable, it must have as its primary focus full-time

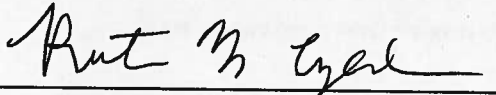
responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). With respect to the appellant's comments regarding a lack of a career path, it is a basic principle of Civil Service law that, in order to be eligible for a position, an individual must meet or exceed the minimum education and experience requirements for such a position. Consequently, if Mr. Caldarola did not meet the minimum requirements for any of the positions that he references, he could not be eligible for these positions. Accordingly, the appellant has not met his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that the 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 4<sup>th</sup> DAY OF FEBRUARY, 2015**



**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: Nicolò Caldarola  
Kelly Glenn  
Joseph Gambino**

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



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

**SYMBOL: PS8682T**

**WEIGHT CODE: \***

**TITLE: COMPLIANCE OFFICER 1 MVC**

**SALARY: \$47,882.00 - \$67,706.00**

**ISSUE DATE: May 01, 2014**

**CLOSING DATE: May 21, 2014**

**TITLE CODE: 56497/EFRXR2**

**CLASS CODE: 20**

**DEPARTMENT: MVA/MOTOR VEHICLE COMMISSION**

**UNIT SCOPE: MV05 Inspection Services**

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

**Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:**

**Education:** Possession of an Associate's degree or successful completion of sixty (60) semester hour credits. You must indicate the total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

**Note:** Applicants who do not possess an associate's degree or have the required semester hour credits, may substitute additional experience as stated below on a year-for-year basis. Thirty (30) college credits are equal to one (1) year experience.

**Experience:** Two (2) years of experience in a governmental or private organization involving the review and analysis of varied operations to determine compliance with existing laws, rules, regulations, or procedures.

**Note:** Appointees must successfully complete training in all of the following areas: Inspector License Training, Agency Business Process Training and Document Fraud Training.

**Note:** School Bus Operations unit only - Appointees may be required to successfully complete the required training and obtain certification necessary to inspect school buses.

**License:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. 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.

**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. **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.**
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: [OAS.support@csc.state.nj.us](mailto:OAS.support@csc.state.nj.us) or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so **PLEASE FILE EARLY.**

DPF-256A \* Revised 03/09