



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Maricela Rivera,
Assistant Supervisor of Motor Pool
(PM0565S), Hoboken

CSC Docket No. 2015-1065

Examination Appeal

ISSUED: APR 17 2015 (BS)

Maricela Rivera appeals the determination of the Division of Selection Services (DSS),¹ which found that she did not meet the requirements for the promotional examination for Assistant Supervisor of Motor Pool (PM0565S), Hoboken.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced May 21, 2014 closing date. Specifically, all applicants had to possess two years of experience in managing a large scale fleet of motor vehicles which entailed responsibility for the maintenance and servicing of such vehicles as well as the leasing or assignment of vehicles to individuals. Records indicate that the subject promotional examination was cancelled on September 19, 2014 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she only possessed experience as a provisional Assistant Supervisor of Motor Pool (9/03 to the closing date). However, Civil Service Commission records indicate that the appellant possessed experience as a provisional Assistant Supervisor of Motor Pool (2/14 to the closing date), Motor Broom Driver (1/08 to 1/14), and Parking Enforcement Officer/Parking Meter Collector (9/03 to 12/07). As of the closing date, the DSS found that the appellant only possessed four months of applicable experience as a provisional Assistant Supervisor of Motor Pool (2/14 to the closing

¹ The eligibility review unit is now part of the Division of Agency Services.

date). None of the appellant's remaining positions involved any in-title responsibilities in the required areas and were not considered applicable. Consequently, DSS found the appellant to be ineligible for the subject promotional examination.

On appeal, the appellant argues that she has been performing appropriate duties and has six years of experience in managing a large scale fleet of motor vehicles which included the maintenance program, parts inventory, and records. In support of her appeal, Michael Korman, Personnel Officer, City of Hoboken, indicated that the appellant had been performing applicable duties dating back to the beginning of 2012, that settling labor agreements and establishing a new salary ordinance delayed her appointment as the subject title was not in the previous ordinance, and that the City fully supports her appeal.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination announcement by the closing date. *N.J.A.C. 4A:4-2.6(c)* provides that except when permitted for good cause, applicants for promotional examinations generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C. 4A:4-6.3(b)* provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

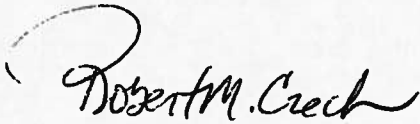
In the instant matter, the appellant only possessed four months of applicable experience as of the closing date as a provisional Assistant Supervisor of Motor Pool and was found ineligible for the subject promotional examination. However, the Commission notes that the appellant continues to successfully serve as a provisional Assistant Supervisor of Motor Pool, and the subject promotional examination has been cancelled due to a lack of qualified applicants. Additionally, the appointing authority supports the appellant's appeal, and indicates that the appellant had actually been performing the required duties since the beginning of 2012 without the benefit of being placed in the title because the City was in the process of settling labor agreements and had to establish a new salary ordinance. Accepting the appellant's experience as a provisional Assistant Supervisor of Motor Pool and out-of-title experience as a Motor Broom Driver (1/12 to 1/14) would give her more than enough time to qualify for the subject promotional examination. Under these circumstances, the Civil Service Commission accepts the appellant's out-of-title experience as a Motor Broom Driver, for eligibility purposes only, which will allow her the opportunity to be tested and be considered for a permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed as soon as possible.

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 15TH DAY OF APRIL, 2015**



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