

B-32



In the Matter of Michele Pontoriero,
Sewer Repairer Supervisor/Water
Repair Supervisor (PM0246T),
Nutley

STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3179

Examination Appeal

ISSUED: **JUL 17 2015** (CSM)

Michele Pontoriero appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the promotional examination for the dual title of Sewer Repairer Supervisor/Water Repair Supervisor (PM0246T), Nutley. A dual title is a title that combines two separate classifications into one classification. Applicants for dual titles need to meet the minimum requirements for both titles in order to be deemed eligible.

The examination at issue was announced with specific requirements that had to be met as of the closing date of February 21, 2015 (see attached). The subject examination was cancelled on June 4, 2015 since the appellant, who was the only applicant, was deemed ineligible.

The appellant indicated on his application that he was a Sewer Repairer 1/Water Repairer 1 from February 1997 to June 2014. The appellant did not indicate the performance of lead worker duties. A review of the appellant's personnel record indicates that he was serving provisionally in the title under test from June 2014 to the closing date, February 2015. From October 1998 to June 2014 he was a Sewer Repairer 1/Water Repairer 1 and from February 1997 to October 1998 he was a Laborer 1. Agency Services credited the appellant with 16 years and 5 months of general experience for both titles but did not credit the appellant with the lead worker experience required to establish eligibility for the Sewer Repairer Supervisor portion of the dual title. Therefore, he would need one year of lead worker experience to qualify for the examination.

On appeal, the appellant states that he possesses the necessary experience to qualify for the subject examination. Dr. Joseph P. Scarpelli, Director of Public Works, Nutley, verifies the appellant's four years of lead worker experience. Specifically, he explains that the appellant leads a team of five Water and Sewer Repairers in the cleaning and maintenance of the sewer system. Additionally, he confirms that the appellant ensures the safety of his staff during the installation and repair of all water meters, water mains, valves, and water services.

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.

N.J.A.C. 4A:4-2.6(c) provides that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. As of the closing date, the appellant was not credited with the required lead worker experience because he did not indicate the performance of these duties on his original application. Thus, he would need one year of lead worker experience to qualify for the subject examination. Additionally, primarily performing lead worker duties would be considered out-of-title work for an incumbent in the Sewer Repairer 1/Water Repairer 1 title. Further, the importance of submitting a properly completed application that includes a listing of all duties is essential since a complete application provides the only reliable barometer by which this agency can make the initial determination whether to admit or reject an applicant as no other tool is available to rely on in order to make this important initial assessment in an expeditious, fair, and efficient manner. However, in accordance with *N.J.A.C. 4A:4-2.1(g)*, the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. 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.

In this case, the appellant clarified his application and Dr. Scarpelli confirmed that he performed the required out-of-title lead worker duties for more than four years. Additionally, the appellant continues to serve provisionally in the title under test and the examination was cancelled due to a lack of qualified applicants. Accordingly, the Commission accepts the appellant's out-of-title work

and clarification of his experience, for eligibility purposes, and admits him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, 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
15TH DAY OF JULY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

- c. Michele Pontoriero
Dr. Joseph P. Scarpelli
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PM0246T

WEIGHT CODE: *

TITLE: SEWER REPAIRER SUPERVISOR/WATER REPAIR SUPERVISOR

SALARY: \$38,504.00 - \$65,000.00

ISSUE DATE: February 01, 2015

CLOSING DATE: February 21, 2015

TITLE CODE: 06707/ NBRGR1

JURISDICTION CODE: N07160004

JURISDICTION: NUTLEY

DEPARTMENT: PUBLIC WORKS

**Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application**

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

Sewer Repairer 2/Water Repairer 2 05295

Or 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:

Experience: Three (3) years of experience in sewer installation or repair work and/or in varied plumbing work and/or in the operation and maintenance of sewer maintenance equipment, one (1) year of which shall have been in a lead worker capacity.

AND

Four (4) years of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work.

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 must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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.** (i.e. Police, Fire, Corrections and Sheriff).
6. **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 or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09