



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Anthony Del-Valle,
Chief Operating Engineer (S0698T),
Kean University

CSC Docket No. 2018-3503

List Removal

ISSUED: December 10, 2018 (RE)

Anthony Del-Valle appeals the removal of his name from the Chief Operating Engineer (S0698T), Kean University eligible list due to his failure to possess an Operating Engineer’s License (gold seal) issued by the New Jersey Department of Labor and Workforce Development.

By way of background, the appellant met the announced experience requirements for the examination for Chief Operating Engineer (S0698T), Kean University. This requirement was five years of experience in work involving the operation, maintenance, and emergency repair of power and heating plants and auxiliary equipment, two years of which shall have been in a lead worker capacity, at the level of a Red Seal Operator. The announcement stated that appointees were required to possess an Operating Engineer’s License (gold seal) issued by the New Jersey Department of Labor and Workforce Development. Subsequently the appellant’s name appeared on the eligible list which was certified (OS180010) on January 3, 2018. In response to the certification, the appellant submitted a Gold on Black License (low pressure). This is not the same, as the first class (gold seal) pertains to refrigeration, not boiler operation. Thus, he was removed by the appointing authority for failure to possess the required license.

On appeal, the appellant maintains that he has the requisite experience for the position. Further, he maintains that he possesses the required gold seal license. He explains that there are three common gold seals, high pressure plant, power generating plant, and refrigeration, and others less common. He states that the specific gold seal is not indicated on the announcement, and he possesses a gold seal

in refrigeration. He requests to remain on the list. In support of his appeal, he provides the administrative code regarding boilers, pressure vessels and refrigeration.

CONCLUSION

N.J.A.C. 4A:4-4.7 states that the name of an eligible may be removed from an eligible list for causes for disqualification listed in *N.J.A.C.* 4A:4-6.1. *N.J.A.C.* 4A:4-6.1(a)1 indicates that a person may be denied examination eligibility or appointment when he or she lacks the job requirements.

In this matter, the announcement required that appointees possess an **Operating Engineer's License** (gold seal) issued by the New Jersey Department of Labor and Workforce Development. The appellant submitted a Gold (refrigeration) on Black License (low pressure). Per the regulations, the gold or the first grade license has different levels of classification, however; each classification has a different use (the equipment used is different). There are three levels, each requiring different levels of license (Gold, Red and Blue for 1, 2, and 3 respectively). *N.J.A.C.* 12:90-8.3 (Classification of licenses for operators) states:

- (a) The letters A, B and C shall be used to identify the engineer's grade of the license. An "A" or gold seal shall designate a first-grade license; "B" or red seal, a second grade license; and "C" or blue seal, a third grade license.
- (b) A black seal shall identify a boiler operator.
- (c) The license stamped on its face, "in-charge" shall identify a boiler operator in charge.
- (d) Boiler operator and firemen classifications shall be identical.
- (e) The numbers listed in Table 7.3(e) shall be used to identify the equipment indicated.

Table 7.3(e)

Arabic Number	Equipment
1	steam stationary boiler and steam prime mover
2	refrigeration plants
3	nuclear boiler and prime mover
7	hoisting machine and long boom crane
8	steam portable boiler and steam prime mover
9	steam locomotive crane

- (f) Licenses for operators shall be classified as follows:
 - 1. Special limited applications;
 - 2. Low pressure boiler;

3. Operator in charge of high pressure boiler;
4. 1A, 1B, or 1C steam stationary boiler and steam prime mover;
5. 2A, 2B, or 2C refrigeration plants;
6. 3A, 3B, or 3C nuclear boiler and prime mover;
7. 7C long boom crane;
8. 8A, 8B, or 8C steam portable boiler and steam prime mover; and
9. 9A or 9B steam locomotive crane.

The experience requirement included work involving the operation, maintenance, and emergency repair of power and heating plants and auxiliary equipment. While the announcement does not specify a (1A), for steam stationary boiler and steam prime mover, the gold seal requirement relates to the announced experience requirements. Those requirements are not focused on refrigeration plants. The appellant possesses a black seal Operating Engineer's License, which identifies him as a boiler operator, and not a gold seal Operating Engineer's License in steam stationary boiler and steam prime mover. His gold seal license is in refrigeration plants. The appellant was appropriately removed from this list as he did not possess the required gold seal Operating Engineer's License in steam stationary boiler and steam prime mover. Thus, the appellant has not satisfied his burden of proof in this matter and sufficient cause exists to remove his name from this list. Lastly, Agency Services should review the job specification for the title and make any necessary changes/clarifications.

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 5th DAY OF DECEMBER, 2018



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