



STATE OF NEW JERSEY

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

In the Matter of Victor Alvarez
and Piero Oddo, Road Repairer 3
(PM2255V), Elizabeth

CSC Docket Nos. 2018-2863
2018-2871

Examination Appeals

ISSUED: June 22, 2018 (RE)

Victor Alvarez and Piero Oddo appeal the decisions of the Division of Agency Services that they do not meet the experience requirements for the promotional examination for Road Repairer 3 (PM2255V), Elizabeth. These appeals have been consolidated due to common issues.

The subject promotional examination announcement was issued with a closing date of September 21, 2017 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Road Repairer 2 OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title, and who met the announced requirements. These requirements included possession of three years of experience in the construction, repair, and maintenance of roads or streets which may include work involving the installation and/or maintenance of traffic lines and signs. The appellants were found to be below minimum requirements in experience. Four candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

On his application, Alvarez listed experience in one position, as a provisional Road Repairer 3 from December 1998 to the September 2017 closing date. Official records indicate a very different employment history. These records indicate that this appellant was a a provisional Road Repairer 3 from May 2017 to the September 2017 closing date; Tree Maintenance Worker from December 2011 to May 2017; Tree Climber from June 2006 to December 2011; Equipment Operator from January

2002 to March 2004; and Truck Driver from February 2001 to January 2002; and Laborer 1 from December 1998 to February 2001. Agency Services requested that Alvarez provide a list of each position he held and the duties for each, which he submitted in a resume. He was credited with five months of experience in his provisional position, and found to be lacking two years, eight months of applicable experience.

On his application, Oddo listed two positions, provisional Road Repairer 3 from May 2017 to the September 2017 closing date and Operator from May 2010 to May 2017. Official records indicate a different employment history. These records indicate that this appellant was an Equipment Operator from August 2011 to May 2017, and a Truck Driver from May 2010 to August 2011. For the first position, Oddo copied the examples of work and knowledge, skills and abilities (KSAs) from the job specification for the title under test, and therefore, received no credit for it. For the second position, he did not indicate experience in the construction and maintenance of roads. As such, he was found in the lacking three years of applicable experience.

On appeal, Alvarez submits a listing of his position, and duties associated with each, many of which do not match what was provided earlier. Oddo claims that he was performing out-of-title work as a Road Repairer 3 while serving as an Equipment Operator.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *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.

A review of the appellants' applications reveals that they do not meet the announced experience requirements. Alvarez originally indicated on his application that he was a Road Repairer 3 for his entire employment with Elizabeth. The Civil Service Commission (Commission) has a record of his official titles, and Agency Services provided Alvarez with the opportunity to separate the duties of his various positions. Alvarez has filed previous applications for two examinations for Road Repair Supervisor. For both, he indicated he was a Tree Climber for his entire employment with Elizabeth, and he provided a completely different set of duties on each. The duties were different from each other and different from the application for the current examination. He provided a different set of duties for his entire employment on the current application. On appeal, Alvarez provided yet another set of duties for each of his positions, which is different from the resume was sent to

Agency Services. The latest version matches the announced requirements for the subject examination.

The directions for filing an on-line application indicate that candidates were required to complete the application, including providing information regarding employment. At the bottom of the application is written:

I certify that the information I have provided in this application is complete and accurate.

Warning: the New Jersey Civil Service Commission (NJCS) may refuse to examine, or certify after examination, any applicant who makes a false statement of any material fact per *N.J.A.C. 4A:4-6.2*.

I understand that once I submit my electronic application, I will not be able to make any changes to it. Any changes or additional information must be mailed to the NJCS by the announcement closing date.

In this case, the appellant did not provide correct information on any of the applications he has submitted to the Commission. When asked for clarifying information for the subject examination, the appellant provided the information on a resume, which he now believes is incomplete as he sent more information on appeal. His final submission has applicable duties as the primary focus of his Laborer position, and applicable duties are included in his Truck Driver and Equipment Operator positions. Nevertheless, the announced requirements are out-of-title duties for Truck Driver and Equipment Operator. Further, as the appellant listed many duties in his Laborer 1 position, on his resume and on appeal, but did not provide the number of hours worked per week on each, the primary focus of the position cannot be determined. A holistic view of the duties indicates that the appellant performed applicable in-title duties of varied types of manual and unskilled laboring work. His duties as a Tree Maintenance Worker and Tree Climber are inapplicable. In sum, Alvarez possesses five months of experience in his provisional position, lacks two years, eight months of applicable experience.

As to Oddo's application, for his provisional position, the appellant copies many of the Examples of Work and Knowledge, Skills and Abilities from the job specification for the subject title. It is axiomatic in the employment screening process that an applicant would set forth on his or her application the duties and responsibilities he or she has performed in prior and provisional positions that he or she feels would qualify the applicant for the new position to which he or she is applying. Further, that has been well established in prior Commission decisions that applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. See *In the Matter of Charles Kleinberg* (MSB, decided August 28, 2001). Further, simply quoting the

duties contained in the job specifications on an application is not a sufficient basis on which to determine if the candidate's specific duties would meet the requirements for an examination. Candidates must demonstrate that the duties they perform qualify them for admission to the examination. *See In the Matter of Maxsine Allen and Vivian Stevenson* (MSB, decided March 10, 2004). The Commission is well aware of the specifications for a title.

As Oddo copied his duties directly from the application, his experience in his provisional position appropriately was not credited. Additionally, on his application, Oddo did not list any out-of-title work for his position as Equipment Operator. Even if he had, and he claims that he did so on appeal, and that cannot be credited for a promotional examination where the examination is competitive. The appellant has not presented a basis for accepting out-of-title experience. Oddo lacks three years of qualifying experience.

The appellants are cautioned to complete their applications following the directions outlined in the Online Application System User Guide, which is available to all candidates online at the Commission's website. For future applications, they should list each position separately and give duties in their own words.

An independent review of all material presented indicates that the decisions of the Division of Agency Services that the appellants did not meet the announced requirements for eligibility by the closing date are amply supported by the record. The appellants provide no basis to disturb these decisions. Thus, the appellants have failed to support their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals 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 20th DAY OF JUNE, 2018



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