

## STATE OF NEW JERSEY

In the Matter of Perry Gianatiempo, Master Mechanic, Marine (PS6114P) Department of Law and Public Safety

CSC Docket No. 2022-934

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**Examination Appeal** 

ISSUED: FEBRUARY 18, 2022 (RE)

Perry Gianatiempo appeals his rank and score for the promotional examination for Master Mechanic, Marine (PS6114P) Department of Law and Public Safety.

The subject examination had a closing date of August 23, 2021, 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 Marine Mechanic, 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 who met the open competitive requirements. Those requirements were successful completion of a training program in marine mechanics at a recognized vocational or technical school, resulting in certification to service and repair marine engines AND four years of experience in the installation, maintenance, and repair of gasoline and diesel marine engines and related marine equipment, two years of which shall have included functioning as a lead worker AND a valid Boating Safety Certificate issued by the New Jersey State Police. Two candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

This examination was processed as an unassembled examination (UE), *i.e.*, candidates were ranked on the eligible list based on an evaluation of their education and experience as listed on their applications. The unassembled examination standard conferred a base score of 70.000 for all eligible applicants. Full credit was awarded for ten years of experience as a lead worker in the installation, maintenance, and repair of gasoline and diesel marine engines and related marine

equipment. Half credit was awarded for experience in the installation, maintenance, and repair of gasoline and diesel marine engines and related marine equipment. Two points were awarded for successful completion of a training program in marine mechanics at a recognized vocational or technical school, resulting in certification to service and repair marine engines. It is noted that no credit was given for experience gained more than ten years prior to the examination closing date, in this case, September 2011.

The appellant received an unassembled examination score of 83.950, 3 points of PAR credit, and a seniority score of 5.000, for a final average of 91.950, and ranked second on the resultant eligible list. In this regard, the appellant received two points for successful completion of a training program in marine mechanics. He received full credit for his positions as provisional Master Mechanic, Marine and Crew Supervisor, Garage Operations Marine from October 2012 to August 2021. He also received half credit for his experience in the position Marine Mechanic from September 2011 to September 2012, as this position was not a lead worker position. He could not receive credit prior to September 2011.

On appeal, the appellant states that he has more experience, seniority, certifications, supervisory responsibilities and better performance evaluations than the first ranking candidate. The appellant explains his employment history, including supervisory responsibilities, and believes he has had higher performance evaluations over the course of his employment.

## CONCLUSION

*N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date for filing applications. *N.J.A.C.* 4A:4-2.15(c) states that candidates for State service promotional examination shall receive credit for the final PAR rating on file in the candidate's personnel office as of the announced closing date for the rating period immediately preceding the announced closing date.

At the outset, the application of the first ranking candidate was reviewed as part of this appeal and found to be correctly scored. Both the appellant and the first ranking eligible were given three PAR points for their final PAR rating on file for the rating period immediately preceding the announced closing date. The appellant cannot be awarded additional credit for past performance ratings. Each also were given five points for seniority and two points for completion of an applicable training program. Credit could not be given for supervisory responsibilities as this type of experience is not required to be admitted to the examination. Further, only one certification was required for admittance to the examination and both eligible candidates possessed it. The eligible applicants both received full credit for the time they were in lead worker or supervisory titles, and half credit for positions which

were not lead workers. No scoring error is evident from the record for either candidate.

A thorough review of the record indicates that the decision of the Division of Agency Services is amply supported by the record, and appellant provides no basis to disturb that decision. The appellant has failed to meet his burden of proof in this matter.

## **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 16<sup>TH</sup> DAY OF FEBRUARY, 2022

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