



STATE OF NEW JERSEY

In the Matter of Jonathan  
Mazzarone, Compliance Officer 1  
MVC (PS6316T), Motor Vehicle  
Commission

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-1733

Examination Appeal

ISSUED: May 2, 2022 (SLK)

Jonathan Mazzarone appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Compliance Officer 1 MVC (PS6316T), Motor Vehicle Commission.

The subject examination had a September 21, 2021, closing date. The education requirement was an Associate’s degree or 60 college credits. The experience requirements were two years of experience in a governmental or private organization involving the review and analysis of varied operations to determine compliance with existing laws, rules, regulations, or procedures. Applicants who did not possess the required education could have substituted experience on a year for year basis, with 30 semester credits being equal to one year of experience. A total of 30 employees applied for the subject examination and 14 were admitted. The test has not yet been scheduled.

On the appellant’s application, he indicated that he possessed an Associate’s degree. He also indicated that he was provisionally serving in the subject title from February 2020 to the September 21, 2021, closing date, and an Automotive Mechanic from February 2013<sup>1</sup> to February 2020. Agency Services credited the appellant with having met the education requirement and having one year and eight months of

<sup>1</sup> Personnel records indicate that the appellant started as an Automotive Mechanic in January 2014.

experience based on his provisional service in the subject title, but determined that he lacked four months of experience.

On appeal, the appellant describes his experience as a provisional in the subject title and as an Automotive Mechanic in detail. He asserts that as an Automotive Mechanic, he performed duties that go beyond the job specifications for incumbents in that title. He notes that the job specification for Automotive Mechanic indicates that the examples of work for this title are for illustrative purposes only, a particular position using this title may not perform all duties listed in the job specification, and all duties performed on the job may not be listed. The appellant highlights that he has the required inspector license training, agency business process training, and document fraud training that is required for appointees the subject title. He notes that although the education requirements are only an Associate's degree, which is defined as 60 credits, he has 86 credits. The appellant emphasizes that Automotive Mechanics for the appointing authority perform duties that go beyond the job specifications for that title as he not only maintained vehicles that are used in covert inspection details, but also performed roadside inspection details, certifying vehicles to be used in covert inspection details, and signing and processing official legal paperwork and documentation used in court for auditing, enforcement, and investigation. He states that he works closely with other job titles such as Safety Specialist and Compliance Officer. The appellant presents that the results and outcomes of the review and analysis of covert vehicle inspection documents used for auditing, code enforcement, and investigation are legally binding documents that are used in administrative hearings and court proceedings that impose fines and other legal action, including, but not limited to inspector license revocation, which he asserts are clearly not duties performed by a typical Automotive Mechanic.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional 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 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.

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant met the education requirement and had one year and eight months of experience by the September 21, 2021, closing date based on his provisional service in the subject title,

but lacked four months of experience. Specifically, a review of the appellant's application indicates that although he performed other duties as an Automotive Mechanic, his primary duty was to maintain vehicles. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). On appeal, the appellant highlights the duties that he performed as an Automotive Mechanic that he contends met the experience requirement. However, if the required duties were primary duties for the appellant while serving as an Automotive Mechanic, those duties would be considered out-of-title work, which cannot be considered on a promotional examination without good cause. *See N.J.A.C. 4A:4-2.6(c)*. Concerning the appellant's statement that the job specification for Automotive Mechanic indicates that incumbents may perform duties that are not indicated in the examples of work for that title, this does not indicate that every duty an Automotive Mechanic may perform is considered an in-title duty as in-title work must comply with the definition section of the job specification. A review of the job specification definition for Automotive Mechanic indicates that incumbents in this title primarily perform maintenance and repairs on various types of motor vehicles and equipment. Therefore, the required duties for the subject examination, which involve the review and analysis of varied operations to determine compliance with existing laws, rules, regulations, or procedures, are out-of-title for an Automotive Mechanic. Moreover, as it anticipated that the list will be complete based on the number of candidates admitted to the examination, there is not good cause to accept the appellant's out-of-title work. Regarding the appellant's statements that he possesses more college credits than required and completed the training required for appointees, this does not substitute for not having met the experience requirements as applicants must meet all requirements by the closing date. *See N.J.A.C. 4A:4-2.6(a)*. Accordingly, the appellant has not met his burden of proof in this matter.

### **ORDER**

Therefore, it is ordered that the 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 27<sup>TH</sup> DAY OF APRIL 2022

*Deirdre L. Webster Cobb*

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Deirdré L. Webster Cobb  
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