



STATE OF NEW JERSEY

In the Matter of Antonio Smith, Sr.,
Records Technician 3, Motor Vehicles
(PS6554T), Motor Vehicle
Commission

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-1961

Examination Appeal

ISSUED: May 2, 2022 (ABR)

Antonio Smith, Sr. appeals the determination of the Division of Agency Services (Agency Services), which found he was ineligible for the promotional examination for Records Technician 3, Motor Vehicles (PS6554T), Motor Vehicle Commission on the basis that he was not permanent in the competitive division of the career service as of the closing date.

The subject examination 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 any competitive title and possessed one year of experience in the review/analysis of driver records for the purpose of ensuring that laws, rules, regulations, or policies have been interpreted properly or in a public/private agency involved in processing, evaluation, and/or adjustment of damage claims or other insurance claims evaluation and adjustment work as of the September 21, 2021 closing date. A total of 50 applicants were admitted to the subject examination, which has not yet been administered. A total of 14 applicants were deemed ineligible for the subject examination on the basis that they were not permanent in the competitive division as of the closing date.

The appellant indicated on his application that he served as a general manager with Mercer Management from November 2007 to December 2018. He stated that his duties included interviewing, hiring, training new hires, creating employee schedules, managing inventory, addressing customer complaints, opening and closing

stores, and making daily and weekly deposits. Agency records indicate that the appellant was serving in the title of Technician MVC as of the closing date. Agency Services deemed the appellant ineligible for the subject examination because the title of Technician MVC was not allocated to the competitive division as of the closing date.

On appeal, the appellant requests that the Civil Service Commission (Commission) reconsider his eligibility, arguing that his service as a Technician MVC since 2019 satisfies the requirements for the subject examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. *N.J.A.C.* 4A:4-2.1(f) states that prior to the announced application filing date, an applicant may amend a previously submitted application.

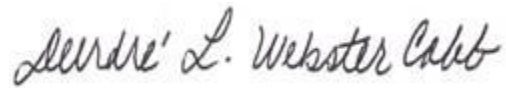
Initially, the Commission notes that for the examination, the Commission has ordered the waiver of the requirement that applicants for the PS6554T examination possess one year of continuous permanent service as of the closing date and ordered Agency Services to re-evaluate the eligibility of applicants who possessed one year of continuous permanent service in the title of Technician MVC as of the closing date. *See In the Matter of Tricia Palazzone, et al.* (CSC, decided April 27, 2022). However, a review of the record indicates that even with this action, the appellant should not be deemed eligible for the subject examination. In this regard, because the appellant did not list his experience as a Technician MVC in his application, pursuant to *N.J.A.C.* 4A:4-2.1(f), it cannot be considered on appeal. The appellant's only listed experience on his application—a general manager with Mercer Management—does not constitute applicable experience for the subject examination. Therefore, the appellant has not his burden of proof in this matter and there is no basis to admit him to the subject examination.

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 27TH DAY OF APRIL 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Antonio Smith, Sr.
Division of Agency Services
Records Center