



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Timothy Yuscavage,
Equipment Operator (PM4840C),
Hamilton

Examination Appeal

CSC Docket No. 2022-2480

ISSUED: MAY 23, 2022 (RE)

Timothy Yuscavage appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Equipment Operator (PM4840C), Hamilton.

The subject examination announcement was issued with a closing date of November 22, 2021. The examination was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the titles Laborer 1 or Truck Driver and who met the announced requirements, OR 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 title and who met the announced requirements. These requirements included one year of experience in the operation and maintenance of construction and maintenance equipment. Appropriate formal training in the operation of maintenance/construction equipment could be substituted for the indicated experience. It is noted that nine candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

The appellant listed two positions on his application, Maintenance Worker 1 Grounds from September 2013 to the November 2021 closing date, and Technician with Loomis Armored from June 2011 to September 2013. Agency records indicate that the appellant was a Maintenance Worker 1 Grounds from September 2017 to November 2021, and a Laborer 1 from February 2014 to September 2017. As none

of this experience was accepted, the appellant was found to be lacking one year of experience.

On appeal, the appellant states that he meets the experience requirements. The appellant explains that he was employed by Hamilton Township Public Works in the Parks Department for over 8 years now and for the first 4 years, he was a Laborer 1. He argues that there are two Truck Driver positions available in the department of over 40 employees and even though he has the highest credentials possible for that position (unrestricted Class A CDL with tanker endorsement). He states that he was “overlooked” for two employees with not nearly as much experience nor the proper credentials to further their career as an Equipment Operator, but because they have greater seniority. He states that, since being hired part-time in 2013, he has worked alongside the Heavy Equipment Operator and has accumulated years of experience working beside him. He argues that his experience in the Laborer 1 and his current position of Maintenance Worker 2 Grounds qualifies him for the examination.

Further, the appellant argues that Laborers in the non-competitive division are considered to be more qualified than he is, although he has an Unrestricted Class A CDL with Tanker endorsement, was promoted to Maintenance Worker 2 Grounds and has over eight years of experience. He provides a list of equipment that he has operated, including lawn mowers, small tractors with attachments, skid steer loaders, backhoes, trucks, and other vehicles. He provides documents entitled “Park Maintenance - Out of title” that have lists of names and a weekly schedule of hours performed replacing other employees.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C. 4A:4-2.6(c)* provides in pertinent part that applicants for promotional examinations 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, unless good cause is shown for an exception.

At the outset, none of the appellant’s experience was accepted as the appellant did not properly complete his application, and the applicable experience is out-of-title for the appellant’s position as Grounds Maintenance Worker 1. First, the online application process is automated and provides instructions to candidates on how to properly complete their applications. Eligibility for a given examination is determined based on the information provided on the application. The announcement states, “You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may lower your score or cause you to

fail.” The Online Application System User Guide repeats, “Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper.” The guide asks candidates to carefully review the application to ensure that it is complete and accurate before submitting, and states, if supplemental documents are required, they should be uploaded with the application or submitted within five business days of submitting the online application. To proceed to the payment section, candidates must certify that their application is complete and accurate.

In this case, the appellant indicated that he was a Maintenance Worker 1 Grounds from September 2013 to the November 2021 closing date, when in fact, he was a Maintenance Worker 1 Grounds from September 2017 to November 2021, and a Laborer 1 from February 2014 to September 2017. At this point, it is pertinent to discuss the appellant’s application filing history. The appellant was admitted to a prior examination for Maintenance Worker 2 Grounds which had a September 2018 closing date. For that examination, the appellant was credited with his experience from September 2017 to September 2018 as a Maintenance Worker 1 Grounds and as a Laborer 1 from February 2014 to September 2017. The experience requirement for that examination was one year of experience in the planning, repair and/or maintenance of irrigation systems. In that regard, 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). Each position has one primary focus, which does not change with the submission of further applications. As the appellant’s experience from his hire in February 2014 until the September 2018 closing date for the prior examination was accepted, the primary focus of the positions was established as the planning, repair and/or maintenance of irrigation systems. If the appellant assumed out-of-title work after September 2018 in the operation and maintenance of construction and maintenance equipment, this cannot be accepted, as a basis for accepting out-of-title experience has not been presented as there is a complete list with nine eligible candidates. The appellant’s license is not a factor in this determination, as only experience was required.

An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support 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 18TH DAY OF MAY, 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: Timothy Yuscavage
Division of Agency Services
Records Center