



STATE OF NEW JERSEY

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

In the Matter of Tyrone Gee, *et al.*,
Sanitation Driver (PM1454T),
Trenton

Examination Appeals

CSC Docket Nos. 2016-2242, 2016-
2343, and 2016-2344

ISSUED: OCT 24 2016

(EG)

Tyrone Gee, Michael Greer, and Carlos Medina appeal the decisions of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the promotional examination for Sanitation Driver (PM1454T), Trenton. These appeals have been consolidated due to common issues presented.

The promotional examination was announced with specific requirements which had to be met as of the announced closing date of July 21, 2015 (see attached). It is noted that the eligible list for the subject title promulgated on December 24, 2015 with one eligible on the list. The one eligible was permanently appointed and the list is currently exhausted.

Gee's application in conjunction with official records indicates that he has served as a provisional in the title under test from October, 2014 through the September 21, 2015 closing date of the subject examination, as a Laborer 1 from October 2011 to October 2014 and as a Laborer Heavy from May 2008 to October 2011. In reviewing Gee's application, Agency Services found that the appellant did not list any driving duties on his application. Thus, it determined that none of his work experience was applicable.

Greer's application in conjunction with official records indicates that he has served as a provisional in the title under test from October, 2014 through the September 21, 2015 closing date of the subject examination, as a Laborer 1 from October 2011 to October 2014 and as a Laborer Heavy from May 2005 to October

2011. In reviewing Greer's application, Agency Services found that the appellant did not list any work experience on his application. Thus, he was found ineligible for the subject examination.

Medina's application in conjunction with official records indicates that he has served as a provisional in the title under test from October 14, 2014 through the September 21, 2015 closing date of the subject examination, as a Laborer 1 from October 2011 to October 2014 and April 1995 to January 1998, and as a Laborer Heavy from January 1998 to October 2011. In reviewing the appellant's application, Agency Services found that Medina did not list any driving duties on his application. Thus, it determined that none of his work experience was applicable.

On appeal, the appellants assert that they have been driving sanitation trucks for over one year. The appellants' supervisor, Trenton's Acting Superintendent of the Solid Waste Division, submits a letter indicating that each appellant received their CDL license and have been primarily driving as a Sanitation Driver for over one year.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

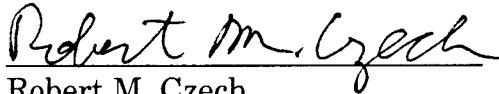
Under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004). In the instant matter, Agency Services denied the appellants' eligibility for the subject examination for lacking the one year of applicable experience necessary. In this regard, the Civil Service Commission notes that the appellants failed to indicate that they were performing driving duties on their examination applications. However, the appellants' work experience driving a sanitation truck for over one year was verified by the Trenton's Acting Superintendent of the Solid Waste Division. Further, the record indicates that the appellants continue to serve provisionally in the title under test and the eligible list has been exhausted. Accordingly, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept the appellants' clarification of their applications and their provisional experience beyond the closing date for eligibility purposes only and admit them to the subject examination.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants' applications be processed and their names be added to the eligible list for prospective employment opportunities only.

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 19TH DAY OF OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Tyrone Gee
Michael Geer
Carlos Medina
Terry K. McEwen
Scott Nance
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: **PM1454T**
TITLE: **SANITATION DRIVER**
ISSUE DATE: **July 01, 2015**
TITLE CODE: **03108/ SFRLR2**
JURISDICTION: **TRENTON**
DEPARTMENT: **PUBLIC WORKS**

WEIGHT CODE: *****
SALARY: **\$31,759.00 - \$48,738.00**
CLOSING DATE: **July 21, 2015**
JURISDICTION CODE: **T11110008**

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the non-competitive division who have an aggregate of one year of continuous permanent service as of the closing date, are currently serving in the following title(s) and meet the requirements listed below:

**Building Maintenance Worker
Laborer 1
Laborer Heavy
Truck Driver**

Or to all employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date, and meet the requirements listed below:

Experience: One (1) year of experience in driving a truck with tandem/dual rear axles and gross vehicle weight of at least 26,000 pounds and with auxiliary equipment such as a snow plow, salt spreader, power take-off, winch, lift body, or hydraulic lifting device.

Special Note: Employment lists resulting from this announcement may be developed by an evaluation of driving experience listed on your applications. Please indicate the type(s) of vehicle(s) operated, such as a small or large van, 45 passenger bus, 3/4 ton truck, tractor trailer, etc. Also, please indicate the type of license(s) (auto, bus or articulated license) and related driving duties you have performed.

If you list experience in titles other than driving titles, you MUST indicate the percentage (%) of driving time for each position listed, or the experience will not be evaluated for credit.

NOTE: All requirements must be met as of the above closing date, however applications will be accepted up to and including **July 24, 2015**.

SPECIAL NOTE: IF YOU FILED AN APPLICATION FOR THIS ANNOUNCEMENT DURING THE ORIGINAL POSTING PERIOD YOU DO NOT HAVE TO FILE AGAIN.

Amended 7/22/15

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so **PLEASE FILE EARLY.**

DPF-256A * Revised 03/09