



STATE OF NEW JERSEY

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

In the Matter of Michael Gelesky,
Maintenance Worker 3 Grounds
(PC2001U), Middlesex County

CSC Docket No. 2017-2826

Examination Appeal

ISSUED: July 31, 2017 (RE)

Michael Gelesky appeals the determination of the Division of Agency Services (DAS) which found that he was below the experience requirements for the promotional examination for Maintenance Worker 3 Grounds (PC2001U), Middlesex County.

The subject examination announcement was issued with a closing date of November 21, 2016 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 Maintenance Worker 3 Grounds, OR an aggregate of one year of continuous permanent service as of the closing date in any competitive title, and who met the announced requirements. These requirements included two years of experience in the care and maintenance of grounds. The appellant was found to be ineligible based on a lack of applicable experience. There were eight admitted applicants, the list was certified once, and two appointments have been made.

On his application, Mr. Gelesky listed experience in one position, Operations Manager with Welch, Holme and Clark. As this experience was not accepted, he was found to be lacking two years of applicable experience.

On appeal, Mr. Gelesky states that he should be eligible as he indicates that he holds three licenses, and he lists positions in his employment with Middlesex County, including Laborer, Maintenance Worker 1 Grounds, and Equipment Operator.

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:4-2.1(f) provides that an application may be amended prior to the announced closing date.

CONCLUSION

A review of the appellant's application reveals that he does not meet the announced requirements. The appellant listed only one position on his application, which did not have the announced experience as the primary focus, and was not applicable. Applicants are required to unambiguously indicate relevant experience on the application. Thus, applicants are required to clearly demonstrate that their experience matches that required in the announcement. *See In the Matter of Marcella Longo* (MSB, decided November 4, 2004) and *In the Matter of Rui Reguinho* (MSB, decided October 6, 2004). Further, instructions for completing the application state, "Carefully review your application to ensure that it is complete and accurate before submitting," and "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 cause you to be declared ineligible or may lower your score if your application is your test paper." Further, the applications states, "Employment Record: You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail." The Online Application System User Guide asks candidates to review the application to make sure the information is complete and accurate. It also states that, by clicking "yes" to make a payment and submit the application, the candidate is told that he or she is certifying that the application is complete and accurate.

On appeal, the appellant provides positions that were not on his original application. Aside from the fact that the information is not complete for these positions, this is supplemental information. *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 title 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. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). This

supplemental information was received after the closing date and cannot be accepted. The examination is competitive with eight eligible candidates, so there would be no basis to relax this requirement in the instant matter. Possession of licenses have no bearing on eligibility, as they were not requirements for admittance to the subject examination.

An independent review of all material presented indicates that the decision of DAS, 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
THE 26th DAY OF JULY, 2017



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