



STATE OF NEW JERSEY

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

In the Matter of Mark Capone,
Public Works Superintendent
(PC0450V), Essex County

CSC Docket No. 2018-848

Examination Appeal

ISSUED: April 10, 2018 (RE)

Mark Capone appeals the decision of the Division of Agency Services (Agency Services) which found him ineligible for the promotional examination for Public Works Superintendent (PC0450V), Essex County.

The subject examination had a closing date of May 22, 2017 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 and who were serving in the title Assistant Public Works Superintendent OR in any competitive title and who met the open competitive requirements. These requirements included five years of supervisory experience in the construction, maintenance and repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction or maintenance work. There were eight applicants, but no one was admitted, and the examination was cancelled on September 23, 2017.

The appellant listed one position on his application, Supervising Road and Bridge Inspector from January 1993 to the May 2017 closing date. On his resume, he listed two positions, Supervising Road Inspector from March 2004 to the present, and Bridge Inspector/Road Inspector/Acting Supervisor from January 1993 to the present. Official records indicate that the appellant was a Supervising Road Inspector from March 2004 to the closing date, and Bridge Construction Inspector/Road Inspector from January 1993 to March 2004. As none of this experience was accepted, the appellant was found to be lacking five years of applicable experience.

On appeal, the appellant states that he has more than enough experience, which he will furnish upon request. No further submissions were received.

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.

Qualifying experience must have as its primary focus the duties and responsibilities required for the title under test. At the outset, the appellant was initially found ineligible for the subject examination as it had been determined that the position listed on his application did not have the announced experience as the primary focus. His position focused on the supervision of inspection of construction work, not the actual applicable construction, maintenance, and repair work. While the appellant inspected and investigated construction, performed site visits, planned and supervised the layout of projects, ensured specifications were complied with, and provided reports, his position did not have the supervision of construction, maintenance and repair of streets, sewer, water, sanitation or other public works facilities, or similar heavy construction or maintenance work, as the primary function. As such, the appellant was appropriately found to be lacking five years of required experience.

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 4TH DAY OF APRIL, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. 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: Mark Capone
Kelly Glenn
Records Center