

B-17



In the Matter of Frank Zotter,
Equipment Operator/Truck Driver
(C0891S), Cumberland County

CSC Docket No. 2015-2515

STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: MAY 21 2015 (CSM)

Frank Zotter appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the open competitive examination for the dual title of Equipment Operator/Truck Driver (C0891S), Cumberland County. A dual title is a title that combines two separate classifications into one classification. Applicants for dual titles need to meet the requirements for both titles in order to be deemed eligible.

The examination at issue was announced with specific requirements that had to be met as of the November 26, 2014 closing date (see attached). A total of 20 individuals applied for the subject examination that resulted in a list of 7 eligibles with an expiration date of March 4, 2018.

The appellant indicated on his application that he was a Mechanic with Winslow Rental from August 2010 to the closing date, November 2014. From July 1986 to December 2008 he was the Assistant Manager/Manager with Rental World/Rental Country. Agency Services did not credit the appellant with any applicable experience.

On appeal, the appellant states that he has 30 years of experience in the operation and maintenance of construction and maintenance equipment and driving a single axle truck. Additionally, he states that he has driven various single-axle vehicles including pick-up trucks and roll back trucks and he possesses a Class A Commercial Driver's License with double, triple, and tank endorsements. Therefore, the appellant maintains he is eligible for the subject examination.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date.

CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant is not eligible for the examination. In order 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). In order to establish eligibility for the subject examination, candidates were required to have one year of experience in the operation and maintenance of construction and maintenance equipment and one year of experience in driving a truck with a single axle. On his original application, the appellant described his experience as a Mechanic as:

I do the repair and maintenance of construction equipment such as front end loaders, backhoes, bobcats, air compressors, high reach equipment and more. I also run a roll back to and from job sites to deliver, service and/or pick up equipment.

As an Assistant Manager/Manager with Rental World/Rental Country, the appellant described his experience as:

I started as a yard man/shop assistant for approximately 2 years and then I became Shop Foreman/Second Mechanic for about 4 years. In or around 1992, I became the Assistant Manager. In 2000, Rental World was purchased by Rental Country, Inc. and I was promoted to Manager. My duties throughout my employment included services and maintenance on construction equipment, repair of construction equipment, repair and rebuilding of small engines – 4 stroke and 2 stroke, operating a wide variety of equipment and vehicles, managing the day to day operations of the store, inventory, human resources, coordinating delivery schedules, and sales.

According to the job specification for Equipment Operator/Truck Driver, an incumbent operates one or more type of gasoline or diesel powered equipment to perform assignments to push, pull, pile, lift and load materials; clean brush and debris; levels earth to rough specifications on simple, rolling terrain and/or level services, inspects equipment daily and reports unsafe conditions, services and makes minor emergency repairs in the garage or field, lubricates/oils equipment, drives a truck with a single axle to transport nonhazardous materials, equipment, or people and does other related duties. Thus, applicants were required to demonstrate experience performing various assignments involving the use *i.e.*,

operation, of gasoline or diesel powered equipment *and* the maintenance of such equipment. The primary focus of the appellant's positions was performing mechanical maintenance of the equipment, not operating such equipment to perform an assignment task. Similarly, while he drove a truck to deliver, service, or pick up equipment, it is clear that the primary focus of his duties were those of a mechanic, *not* a Truck Driver. Moreover, the appellant indicated the performance of a variety of duties as an Assistant Manager/Manager with Rental World/Rental Country such as managing the day to day operations of the store, inventory, human resources, coordinating delivery schedules and sales as well as the performance of mechanical maintenance duties. Therefore, the appellant was properly deemed ineligible for the subject examination.

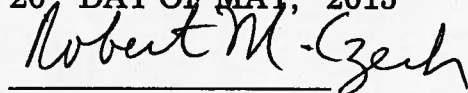
A thorough review of all material presented indicates that the determination of the Division of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. Thus, appellant has failed to support his burden of 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
20TH DAY OF MAY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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. **Frank Zotter**
Senator Jeff Van Drew
Karen Engan
Kelly Glenn



Job Announcements

Symbol: C0891S Title: **EQUIPMENT OPERATOR/TRUCK DRIVER**

Issue Date: 11/05/2014

Closing Date: 11/26/2014

Jurisdiction: CUMBERLAND COUNTY

Salary: \$34,581.00 - \$49,499.00 Per Year

Num. of Positions: 1

Workweek: 40 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

Cumberland County

REQUIREMENTS:

Equipment Operator

EXPERIENCE: One (1) year of experience in the operation and maintenance of construction and maintenance equipment.

NOTE: Appropriate formal training in the operation of maintenance/construction equipment may be substituted for the indicated experience.

If you are substituting training for the required experience, please upload proof of successful training completion with your application. Failure to do so will result in ineligibility.

Truck Driver

EXPERIENCE: One (1) year of experience in driving a truck with a single axle.

LICENSE: Appointees must possess a driver's license valid in New Jersey.

NOTE: The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

NOTE: You must meet the requirements for both titles to be eligible.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support 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 regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **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.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

close window