

B-46



STATE OF NEW JERSEY

In the Matter of Julio Vega,
Maintenance Supervisor Grounds
(PM0597S), Perth Amboy

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-1896

Examination Appeal

ISSUED: MAY 08 2015 (JET)

Julio Vega appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Maintenance Supervisor Grounds (PM0597S), Perth Amboy.

The promotional examination was announced with specific requirements which had to be satisfied by the July 21, 2014 closing date (see attached). The examination was cancelled on December 5, 2014, as the appellant and the one other applicant were found ineligible for the examination.

The appellant indicated on his application that he served as a provisional Maintenance Supervisor Grounds from March 2014 to July 2014. Agency Services credited him with five months of general and supervisory experience for that work. The appellant also indicated that he served as an "acting" Supervisor of Roads from August 2013 to March 2014, a Senior Tree Trimmer/ "acting" Road Supervisor from December 2010 to August 2013, a Senior Tree Trimmer from February 2009 to December 2010, and a Tree Trimmer from June 1997 to February 2009.¹ Agency Services did not find any of that experience applicable. Accordingly, Agency Services determined that the appellant lacked two years and seven months of

¹ Official personnel records indicate that the appellant served as a provisional Road Repair Supervisor from June 2013 to March 2014, a Tree Maintenance Worker 2 from July 1995 to June 2013, a Sanitation Worker from November 1991 to July 1995, and as a Laborer 1 from July 1991 November 1991.

applicable general experience, and seven months of applicable lead worker or assistant supervisor experience.

On appeal, the appellant argues, among other things, that his experience should be sufficient to qualify him for the examination. Specifically, the appellant asserts that his duties as a Tree Maintenance Worker 2 included assisting the Superintendent in overseeing and taking the lead in the maintenance of grounds, equipment, and operations. In this regard, he asserts that he performed lead worker duties for 13 years while serving in that title. Further, his duties as a Road Repair Supervisor included coordination of daily work assignments, handling work schedules, approving overtime, providing feedback on employee performance, coordinating safety maintenance training, and supervising employees.

In support, the appellant provides a letter from his supervisor, Frank Hoffman, General Supervisor, Public Works. Specifically, Hoffman confirms that the appellant's duties from 1995 to 2010 included taking the lead and performing more complex work in maintaining park grounds, athletic fields, recreational areas, facility grounds, athletic equipment, and other landscaped areas. Hoffman adds that in 2011, 2013, and 2014, the appellant performed the duties of an Assistant Supervisor. In this regard, the appellant's supervisory duties included maintenance of trees, shrubs, bushes, park grounds, athletic fields, recreational areas, facility grounds, and other landscaped lawn areas.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements 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.

Initially, Agency Services correctly credited the appellant with five months of applicable general and lead worker experience for his provisional work in the subject title. Primarily performing the duties required for the title under test would be considered out-of-title work for incumbents in the title of Tree Maintenance Worker 2. However, the appellant's supervisor submitted a letter verifying that he performed the out-of-title work of the subject title since 2011. Further, the appellant continues to serve as a provisional Maintenance Supervisor Grounds. Moreover, the situation is not competitive since there is only one other applicant who was found ineligible for the examination. Accordingly, good cause exists to

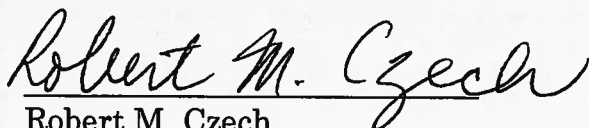
accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed 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 6th DAY OF MAY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Julio Vega
Jillian C. Barrick
Kelly Glenn
Joseph Gambino

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: PM0597S

WEIGHT CODE: *

TITLE: MAINTENANCE SUPERVISOR GROUNDS

SALARY: \$43,169.00 - \$64,385.00

ISSUE DATE: July 01, 2014

CLOSING DATE: July 21, 2014

TITLE CODE: 06731/ G3RMR1

JURISDICTION CODE: N12160005

JURISDICTION: PERTH AMBOY

DEPARTMENT: PUBLIC WORKS

**ONLY ON LINE APPLICATIONS
WILL BE ACCEPTED
FOR THIS ANNOUNCEMENT**

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

Maintenance Worker 3, Grounds 06732

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

Experience: Three (3) year of experience in the care and maintenance of grounds; one (1) year of the experience indicated above must have been in a lead worker or assistant supervisor capacity.

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 outside regular business hours on the closing date will not extend the filing deadline.

DPF-256A * Revised 03/09