



In the Matter of Brian Blakely,
Equipment Operator (PC2113V),
Mercer County

CSC Docket No. 2018-1905

:
:
:
:
:
:
:
:
:
:
:
:
:
:
:

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

Examination Appeal

ISSUED: MAY 31, 2018 (CSM)

Brian Blakely, represented by Samuel M. Gaylord, Esq., appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the promotional examination for Equipment Operator (PC2113V), Mercer County.

The examination at issue was announced with specific requirements that had to be met as of the August 21, 2017 closing date. The requirements were, in pertinent part, one year of experience in the operation and maintenance of construction and maintenance equipment. A total of 12 employees applied for the subject examination that resulted in list of 10 eligibles with an expiration date of December 27, 2020. It is noted that four eligibles were permanently appointed from the subject list.

The appellant indicated on his application that he was a Truck Driver from April 2013 to the closing date, August 2017. A review of agency records indicates that he was provisionally serving in the subject title from May 2017 to the closing date and a Laborer 1 from November 2013 to May 2017. It is noted that the appellant was returned to his permanent title of Laborer 1 effective April 2, 2018. Agency Services did not credit the appellant with any applicable experience.

On appeal, the appellant states that he was unable to include his extensive background and experience on his application and states that he has 20 years of experience driving and maintaining construction vehicles. The appellant also amends his application, stating that he worked for the City of Trenton for 7 years

where he operated a variety of equipment, including front-end loaders, backhoes, street sweepers, and other machinery.

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.

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). On his original application, the appellant described his experience as “Truck Driver (Hauling Millings) working on Milling crew.” He did not list any other experience on his original application. Further, the promotional examination announcement specifically advised all applicants:

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

The appellant did not provide this information on his original application or in his appeal submission. Therefore, Agency Services did not have a basis to determine if his position had as its primary focus the duties required to establish eligibility for the title under test. With respect to his position with the City of Trenton, the appellant did not include this position on his original application. *N.J.A.C.* 4A:4-2.1(f) specifically provides that examination applications may only be amended prior to the filing date. Therefore, since the appellant did not include this position on his original application, it cannot be considered in the context of this appeal. Moreover, there is not a basis on which to relax the controlling regulatory provisions in this case because the list is complete, containing the names of 6 eligibles. Consequently, the appellant is not eligible for the subject examination.

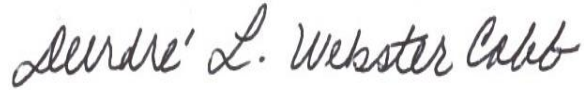
A thorough review of all material presented indicates that the determination of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. Thus, appellant has failed to support his burden of proof in this matter.

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
23RD DAY OF MAY, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

c. Brian Blakely
Samuel M. Gaylord, Esq.
Kelly Glenn
Records Center