

STATE OF NEW JERSEY

In the Matter of Christopher Weir, Equipment Operator/Truck Driver (C0696W), Cumberland County

CSC Docket No. 2019-1729

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: March 6, 2019 (RE)

Christopher Weir appeals the determination of the Division of Agency Services which found that he did not meet the experience requirements for the open-competitive examination for the dual title Equipment Operator/Truck Driver (C0696W), Cumberland County. A dual title is a title that combines two separate titles into one classification; applicants need to meet the minimum requirements of both titles in order to be declared eligible

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The subject examination had a closing date of June 4, 2018 and was open to residents of Cumberland County who possessed 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. The appellant was found to be ineligible based on a lack of experience. There are four provisional incumbents, and five candidates appear on the eligible list. The eligible list has been certified twice, and one appointment has been made.

On his application, the appellant listed one position, provisional Equipment Operator/Truck Driver, and he was credited with seven months of experience. As such, he was found to be lacking one year, five months of required experience.

On appeal, the appellant provides further information regarding his provisional position, and he lists two positions not provided on his application, one with Helena Chemical from March 2016 to September 2017, and one with Growmark FS from January 2015 to March 2016. In both positions, he operated numerous types of equipment and drove a single-axle truck. The equipment he

used included articulated wheel loader with bucket, backhoe, front-end loader, and mowers.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

The appellant received the maximum credit, seven months, for the one position that he listed on his application, his provisional position in the subject title. The application states, "You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application," and "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 published announcement also clearly specifies the relevant time frames for filing and amending applications. As he listed only her provisional position on his application, no further experience could have been credited.

Further, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. Nevertheless, there were five eligible candidates and one appointment has been made, and four provisional incumbents were serving when the list was issued. The appellant has indicated that he possesses at least an additional three years in two positions wherein he both drove a single-axle truck and operated construction and maintenance equipment. He continues to serve in his provisional position, and the list is not competitive. Under these particular circumstances, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's supplemental experience, for eligibility purposes only, and admit him to the subject examination for prospective appointment only.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed for prospective appointment 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 MARCH, 2019

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