



STATE OF NEW JERSEY

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

In the Matter of David Benedetti,
Crew Supervisor Equipment
Inspectors (PS3064T), Department of
Transportation

Administrative Appeal

CSC Docket No. 2019-2053

ISSUED: MARCH 8, 2019

(HS)

The Department of Transportation (Transportation) requests that David Benedetti’s record be corrected to reflect a provisional appointment, effective December 19, 2009, and a permanent appointment, effective February 22, 2010, to the title of Crew Supervisor Equipment Inspectors.

By way of background, the Personnel Management Information System (PMIS) indicates that Benedetti received a provisional appointment to the title of Crew Supervisor, Equipment Operators, effective December 19, 2009. Subsequently, Benedetti appeared as the first ranked eligible on the Crew Supervisor Equipment Inspectors (PS3064T), Transportation eligible list, which contained only non-veterans and which promulgated on February 11, 2010 and expired on February 10, 2013. A certification issued to Transportation on February 22, 2010 (PS100153) with Benedetti listed in the first position. Certification disposition records indicate that Benedetti received a regular appointment from the PS100153 certification, effective February 22, 2010. However, PMIS indicates a regular appointment to the title of Crew Supervisor, Equipment Operators, effective February 22, 2010.

In its request, Transportation states that due to a recently discovered administrative data entry error, Benedetti was provisionally and regularly appointed to the incorrect title of Crew Supervisor, Equipment Operators when the appointments were entered into PMIS. It requests that Benedetti’s personnel record be corrected to show a provisional appointment to the correct title of Crew Supervisor Equipment Inspectors on December 19, 2009 and a permanent

appointment to the same title on February 22, 2010. Transportation states that Benedetti, after his regular appointment, passed his working test period in the title of Crew Supervisor Equipment Inspectors and should receive differential back pay since the salary range of the Crew Supervisor Equipment Inspectors title (R20) is higher than that of the Crew Supervisor, Equipment Operators title (R19). In support, Transportation submits its internal personnel records indicating Benedetti's provisional appointment to the title of Crew Supervisor Equipment Inspectors, effective December 19, 2009, and his movement to permanency in that title, effective February 22, 2010.

The Division of Agency Services (Agency Services) recommends that Benedetti's personnel record be corrected to show a provisional appointment to the title of Crew Supervisor Equipment Inspectors, pending promotional examination procedures, effective December 19, 2009, and a regular appointment to the same title, effective February 22, 2010. However, Agency Services recommends that Benedetti serve a new working test period since the incorrect title appears on his working test period documents. *See N.J.A.C. 4A:4-5.1(b)*. In this regard, Benedetti's progress reports reflect that he passed his working test period, which ran from March 27, 2010 to July 27, 2010, but note his title as Crew Supervisor, Equipment Operators.

In response to a request for additional information, Transportation provided copies of Benedetti's Performance Assessment Review (PAR) in his previously held title of Equipment Inspector, Transportation, closed out on December 18, 2009, and his PAR for the April 1, 2010 to March 31, 2011 rating cycle (2011 PAR). The 2011 PAR indicates that Benedetti's title was Crew Supervisor Equipment Inspectors; states his "[m]ajor [g]oal" as supervising inspection personnel to assure that equipment is in compliance with technical specifications, fleet equipment is properly maintained and surveys are performed as required as well as providing troubleshooting, technical repair and modifications for specialized equipment; and includes, among his responsibilities, coordinating and implementing the work program for equipment and inspection staff, vendor inspections, fleet inspections, and equipment modifications, specialized equipment repair and troubleshooting. Benedetti's interim and final performance ratings on his 2011 PAR were satisfactory.

The definition section of the job specification for Crew Supervisor, Equipment Operators, during 2009 through 2011, stated:

Under the direction of the Master Mechanic or other supervisor in a State department, supervises Equipment Operators and Heavy Equipment Operators engaged in highway construction and maintenance; does related work as required.

The definition section of the job specification for Crew Supervisor Equipment Inspectors, during 2009 through 2011, stated:

Under the direction of a Supervisor of Equipment Inspections or other supervisor in the Bureau of Equipment, Department of Transportation, supervises equipment inspectors in the inspection of equipment during manufacture and use by all divisions of the department to ensure that the equipment is being correctly manufactured, maintained or operated; supervises and conducts routine and special investigations and inspections in order to determine the adequacy, safety, and quality of equipment; does related work as required.

CONCLUSION

N.J.A.C. 4A:4-1.10(a) provides that all initial and subsequent appointments, promotions and related personnel actions in the career, unclassified or senior executive service are subject to the review and approval of this agency.

In this matter, the record establishes that Transportation intended to provisionally appoint Benedetti to the title of Crew Supervisor Equipment Inspectors, effective December 19, 2009, and regularly appoint him to that title, effective February 22, 2010. These actions are evidenced by Transportation's internal personnel records indicative of the intended appointments; the fact that Benedetti clearly appeared on, and was certified as the first ranked eligible from a list for the title of Crew Supervisor Equipment Inspectors (PS3064T); and certification disposition records indicating that Benedetti was regularly appointed from the list. As such, the Civil Service Commission (Commission) accepts Transportation's explanation that Benedetti's PMIS record, currently showing provisional and regular appointments to the title of Crew Supervisor, Equipment Operators, reflects an administrative error.

Further, Transportation states that Benedetti passed his working test period after regular appointment to the title of Crew Supervisor Equipment Inspectors. This is bolstered by his PAR for the April 1, 2010 to March 31, 2011 rating cycle, which states his title as Crew Supervisor Equipment Inspectors; lists work assignments that are consistent with that title; and notes that his performance was satisfactory at both the interim and final stages. Thus, the Commission is satisfied that Benedetti passed a working test period in the title of Crew Supervisor Equipment Inspectors, despite the incorrect title noted on the relevant working test period papers, and finds it unnecessary to order a new one. Accordingly, good cause exists to correct Benedetti's record to reflect a provisional appointment, pending promotional examination procedures, effective December 19, 2009, and a permanent appointment, effective February 22, 2010, to the title of Crew Supervisor Equipment Inspectors. Since the salary range of the Crew Supervisor Equipment

Inspectors title is higher than that of the Crew Supervisor, Equipment Operators title, Benedetti is entitled to differential back pay consistent with this decision.

ORDER

Therefore, it is ordered that the provisional appointment of David Benedetti to the title of Crew Supervisor Equipment Inspectors, pending promotional examination procedures, effective December 19, 2009, and the permanent appointment of Benedetti to the title of Crew Supervisor Equipment Inspectors, effective February 22, 2010, be recorded. It is further ordered that the Department of Transportation pay Benedetti differential back pay consistent with this decision.

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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