



that he was provisionally serving in the subject title from July 2017 to the August 6, 2018 closing date and a Laborer 1 from January 2013 to June 2017. Agency Services credited the appellant with two years and eight months of experience based on his provisional service in the subject title, his experience as a Lead Mechanic, and his experience as a Mechanic from January 2015 to January 2016, but determined, per the substitution clause, that he lacked two years and four months of applicable experience.

On appeal, in support of the appellant, the appointing authority states that the appellant has worked full-time performing out-of-title Mechanic duties since he started employment in January 2013. It explains that its Mechanics start as Laborers and progress through non-Mechanic titles, before being promoted as Mechanics.

### CONCLUSION

*N.J.A.C.* 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

In this matter, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. While out-of-title work can be accepted for an open-competitive examination, there is a presumption that incumbents serving in titles within the State Classification system are performing duties consistent with the job specifications for those titles. *See In the Matter of William Moore* (MSB, decided May 10, 2006). Personnel records indicate that the appellant had one year and one month of experience as a Supervising Mechanic by the August 6, 2018 closing date. His other experience was as a Laborer 1, which is not a title where incumbents perform the required duties for the subject examination. Therefore, the appellant's application did not clearly indicate that he had five years of experience by the closing date. However, on appeal, the appointing authority confirmed that even though the appellant was initially appointed as a Laborer 1 in January 2013, he has been performing the required duties out-of-title full-time since his initial appointment. Therefore, the Commission finds that the appellant has sufficiently clarified that he has been performing the required duties for more than the required time by the closing date.

One other matter needs to be address. The appointing authority explains that its practice is to appoint individuals as Laborers and have them advance by serving in other non-Mechanic titles, while primarily performing the duties of a Mechanic, before being appointed to a Mechanic title. This practice undermines the State Classification system because constant, repeated or lengthy out-of-title work

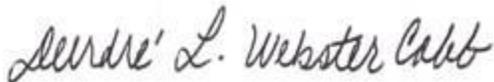
assignments of career service employees creates salary inequities and undermines the integrity of the classification plan. *See In the Matter of Suzanne M. F. Buriani-DeSantis* (CSC, decided July 30, 1985); *See also, In the Matter of Joyce Mutak* (MSB, decided February 24, 1987). Therefore, the Commission orders the appointing authority to immediately stop this practice. Further, the appointing authority shall properly reclassify all employees within 30 days of the issuance of this decision who are primarily performing mechanic duties but are serving in non-mechanic titles. Finally, the Commission warns the appointing authority that if it continues its current practice, it shall be subject to enforcement provisions under *N.J.A.C. 4A:10-2.1*.

### ORDER

Therefore, it is ordered that the appeal be granted, and Blake Hill's application be processed for prospective employment opportunities only. Further, the appointing authority shall reclassify employees, as appropriate, as indicated above within 30 days of the issuance of 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 9<sup>th</sup> DAY OF MAY, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Blake Hill  
Patricia Komsa  
Kelly Glenn  
Records Center