



STATE OF NEW JERSEY

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

In the Matter of Jose Martinez,
Mechanic (PM2455W), City of
Elizabeth

Examination Appeal

CSC Docket No. 2019-3037

ISSUED: SEPTEMBER 26, 2019 (ABR)

Jose Martinez appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Mechanic (PM2455W), City of Elizabeth (Elizabeth).

The subject examination was issued with a closing date of September 21, 2018. The examination was open, in part, to employees serving in the non-competitive title of Mechanics Helper who successfully completed one year of training in automotive technology at an accredited community college or vocational school and possessed two years of experience in the maintenance and repair of various types of motor and/or construction equipment such as bulldozers, tractors, cranes, road graders, power shovels or similar equipment as of the September 21, 2018 closing date. Applicants who did not possess the required year of formal training could substitute one additional year of the above-noted experience. The subject eligible list, containing three names, promulgated on March 21, 2019 and expires on March 20, 2022. A certification from the eligible list (PL190362) was issued on March 25, 2019. The subject eligible list was exhausted after all three eligibles were appointed to the subject title, effective May 1, 2019, with the disposition of the foregoing certification.

On his application, the appellant indicated that he possessed a high school diploma or General Educational Development (GED) certification. However, he did not indicate that he completed an applicable automotive technology training program. Therefore, pursuant to the substitution clause for training, he needed to

possess three years of the required experience. With regard to his experience, he stated that he served provisionally as a Mechanic with Elizabeth from February 2012 to the closing date (September 2018) and with JMK BMW from March 2007 to January 2008. However, a review of agency records indicated that he served provisionally as a Mechanic from April 2018 to the closing date, as a Mechanics Helper from March 2017 to April 2018 and as a Building Maintenance Worker from February 2012 to March 2017. Agency Services credited the appellant with two years and six months of applicable experience based upon his provisional service as a Mechanic and as a Mechanics Helper with Elizabeth and as a Mechanic with JMK BMW. However, Agency Services determined that his experience as a Building Maintenance Worker did not constitute applicable experience because the required duties were not considered to be the primary focus of the duties assigned to incumbents in that title. Therefore, because he did not possess an additional six months of applicable experience, he was deemed ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant states, in relevant part, that he completed an automotive technology program at the Lincoln Technical Institute and he submits a copy of his degree. Additionally, he asserts that he has been working “in the capacity of a mechanic” with the appointing authority since 2008. Specifically, he states that he worked as a temporary employee with the appointing authority from February 2008 until he received a regular appointment in February 2012.

Agency records indicate that the appellant was returned to his permanent title of Mechanics Helper, effective May 16, 2019 and that he continues to serve in that title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

Initially, it is noted that Agency Services correctly credited the appellant with two years and six months of applicable experience based upon the experience he listed in his application. However, a review of the record shows that the appellant possesses the required additional six months of applicable experience based upon his post-closing date service as a provisional Mechanic. Additionally, the record indicates that the examination situation is not competitive, as the subject eligible list has been exhausted. In this regard, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-

2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted 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 25TH DAY OF SEPTEMBER, 2019



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