



STATE OF NEW JERSEY

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

In the Matter of Gary Lockhart,
Equipment Operator/Sewer
Maintenance Inspector (PM0465A),
Trenton

Examination Appeal

CSC Docket No. 2020-1212

ISSUED: January 16, 2020 (RE)

Gary Lockhart appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Equipment Operator/Sewer Maintenance Inspector (PM0465A), Trenton.

The subject examination announcement was issued with a closing date of April 22, 2019, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced experience requirements. The announced experience requirement for this examination was one year of experience in the operation and maintenance of construction and maintenance equipment. The appellant was found to be below the minimum requirements in experience. As there were no admitted applicants, the examination was cancelled on October 16, 2019.

The appellant listed one position on his application, provisional Equipment Operator/Sewer Maintenance Inspector from September 2018 to April 2019. He did not indicate that he maintained construction and maintenance equipment, only that you operated such equipment. As such, none of this experience was accepted and he was found to be lacking one year of required experience. Official records indicate that the appellant was a Laborer 1 from December 2015 to August 2017, a Sewer Repairer 1 from August 2017 to September 2018, and was serving provisionally in the title under test from September 2018 to the April 2019 closing date.

On appeal, the appellant states that he failed to document that he was a Sewer Repairer 1 from August 2017 to September 2018, and he submits a resume with additional positions. He describes his duties for this and his provisional position. In both, he indicates that he was operating and maintaining construction and maintenance equipment.

CONCLUSION

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.

Initially, Agency Services correctly found the appellant to be ineligible for the subject examination since, according to his application, he lacked the required experience. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Also, the application states that, by clicking “yes,” the applicant certified that the employment history was complete and accurate. The On-Line Application System User’s Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the applications advise applicants to provide **all** employment information (not just current employment information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

In the instant matter, while the appellant’s Sewer Repairer 1 position was not listed on his application, the examination was cancelled, and the appellant clearly possesses one year of applicable experience. As such, good cause exists to relax the provisions *N.J.A.C.* 4A:4-2.6(a) to accept this experience and admit the appellant to the examination.

The appellant is cautioned to complete any future application in his own words, and to follow instructions and list all applicable positions and include all pertinent information for each.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant’s application be processed as soon as possible.

This 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 15th DAY OF JANUARY, 2020



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