

## STATE OF NEW JERSEY

In the Matter of Dave Sloboda, : C Mechanic Diesel (M0668A), Aberdeen :

CSC Docket No. 2020-1584

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

**ISSUED:** January 30, 2020 (RE)

Dave Sloboda appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the minimum requirements in experience for the open-competitive examination for Mechanic Diesel (M0668A), Aberdeen.

The subject examination had a closing date of August 21, 2019 and was open to residents of Aberdeen Township, Monmouth County, and contiguous counties who successfully completed of one year of training in diesel engine repair at an accredited community college or vocational school, and possessed two years of experience in the installation, maintenance, and repair of diesel engines. The appellant was found to have met the educational requirement and was ineligible based on a lack of experience. Two candidates appear on the eligible list, which has been certified once, but no appointments have yet been made. The list is incomplete, and the appellant is serving as a provisional.

The appellant listed one position on his application, provisional Mechanic Diesel, and he was credited with eight months of experience in this position from January 2019 to the August 21, 2019 closing date. He was found to be lacking one year, four months of applicable experience.

On appeal, the appellant states that he should be eligible as he has 20 years of experience, and he provides a resume with a list of additional positions. These include his career with Ryder Truck Rental as an Apprentice Mechanic, Journeyman, Expert Mechanic, and Master Mechanic. As a Master Mechanic from

December 2005 to December 2018, his duties included repairing, overhauling, and rebuilding diesel engines.

## 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.

A review of the appellant's application reveals that the decision by the Agency Services, denying the appellant's admittance to the subject examination since he does not possess the required experience, was correct. He received credit for the experience listed on his application, and could not receive credit for experience not provided with his application. For any future positions in which he might be interested, the appellant is cautioned that he should complete his application and provide all requested information. While the appellant failed to follow basic instructions in filling out his application, the list is incomplete with two eligibles, the appellant is still serving as a provisional appointee, and he has indicated that he had the required amount of applicable experience prior to the January 2019 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional experience and admit him to the examination for prospective appointment consideration.

## ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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 29<sup>th</sup> DAY OF JANUARY, 2020

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