



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joshua Fox, Sewer
Repairer 1/Water Repairer 1
(PM1314A), Seaside Park

Examination Appeal

CSC Docket No. 2020-2094

ISSUED: May 1, 2020

(SLK)

Joshua Fox appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Sewer Repairer 1/Water Repairer 1 (PM1314A), Seaside Park.

The experience requirements for the subject announcement were one year of experience in sewer installation or repair work and/or in varied plumbing work and/or in the operation and maintenance of sewer maintenance equipment OR one year of experience as a laborer in a public works department AND one year of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work "OR" one year of experience as a laborer in a public works department. The requirements needed to be met by the September 23, 2019 closing date. The appellant was the only applicant and the examination was cancelled due to a lack of qualified applicants.

On his application, the appellant indicated that he was a Sewer Superintendent/Water Superintendent from June 2017 to the September 23, 2019 closing date, a Senior Public Works Repairer from January 2014 to June 2017, a Sewer Repairer 1/Water Repairer 1 from April 2011 to January 2014 and a Laborer 1 from September 2008 to April 2011. Personnel record indicate that he was a Sewer Repairer 1/Water Repairer 1 from September 2019 to the September 23, 2019 closing date, a Sewer Superintendent/Water Superintendent from June 2017 to

September 2019, a Senior Public Works Repairer from January 2014 to June 2017, a Sewer Repairer 1/Water Repairer 1 from April 2011 to January 2014 and a Laborer 1 from September 2008 to April 2011. Agency Services did not credit the appellant with any experience.

On appeal, the appellant explains that he recently discovered that his personnel records were not accurate as the appointing authority did not follow the proper procedures to update his record. He indicates that his current working title is Sewer Superintendent/Water Superintendent and a permanent appointment in the subject title is the first step in correcting his record. The appellant states that in March 2019, he was appointed as the Licensed Operator for the Borough of Seaside Park Water and Sewer Utility. He presents that he has been fully responsible, on a daily basis, for the operation, maintenance and supervision of the water treatment and distribution system, as well as they sanitary sewer collections systems. The appellant indicates that he possesses all of the licenses that the Department of Environmental Protection (DEP) requires to operate these systems since 2012 or 2013. He explains that to obtain these licenses, he had to complete courses specified by DEP, have his "Statement of Qualifications" which listed his experience approved by the previous Water Superintendent and the DEP Licensing Unit, and pass required examinations. The appellant attaches his "Statement of Qualifications," his various licenses from DEP, and resolutions from the Borough of Seaside Park indicating his appointments as a Laborer, Assistant Sewer Repairer/Water Repairer, Senior Public Works Repairer, Licensed Water and Sewer Operator, and Water and Sewer Superintendent.

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, initially Agency Services correctly determined that the appellant was not eligible for the subject examination as he simply stated on his application when asked to list his job duties for each title that he held that he performed "All duties listed in the title job description in Civil Service" instead of describing his duties using his own words. Simply referring to the duties contained in the job specification on an application is not a sufficient basis on which to determine if a candidate's *specific* duties would meet the requirements for an examination. Candidates must demonstrate that the duties they perform qualify them for admission to the examination. See *In the Matter of Maxsine Allen and Vivian Stevenson* (MSB, decided March 10, 2004). However, on appeal, the appellant attaches his "Statement of Qualifications" that he submitted to DEP to

obtain various licenses as well as providing additional detail of his duties which demonstrate that he has been performing the required duties throughout his career with the appointing authority. 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. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). The Commission notes, however, that when applying for future examinations, the appellant should not simply refer to the job specifications when describing his experience, and instead, ensure that his application completely describes his job duties in his own words so that Agency Services can properly evaluate it. Further, the Commission warns the appellant that his failure to do so may lead to his ineligibility in future examinations.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the subject examination be rescinded, 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 29TH DAY OF APRIL , 2020

Deirdre' L. Webster Cobb

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