



STATE OF NEW JERSEY

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

In the Matter of James Sofie,
Senior Mechanic Diesel (C0069B),
Monmouth County

Examination Appeal

CSC Docket No. 2021-594

**ISSUED: FEBRUARY 23, 2021
(RAM)**

James Sofie appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Senior Mechanic Diesel (C0069B), Monmouth County.

By way of background, the announcement for the subject examination was issued on January 1, 2020, and was open to candidates who met the residency requirements and who successfully completed one year of training in diesel engine repair at an accredited community college or vocational school and possessed three years of experience in the installation, maintenance, and repair of diesel engines. Applicants who do did not possess the required year of formal training could substitute one additional year of experience as outlined in the announcement. It is noted that, of the three applicants who applied for the subject examination, only one applicant was found eligible. An incomplete list promulgated on November 5, 2020 with an expiration date of November 4, 2023. Furthermore, since the only candidate on the list was appointed to the subject title, effective December 1, 2020, the list has been exhausted.

Agency Services' review of the appellant's application determined that he has the required one year of diesel engine repair training. It also determined that the appellant had four months of experience that he gained provisionally in the Senior Mechanic Diesel title as indicated on his application as of the examination closing

date. It is noted that agency records indicate that the appellant has been serving provisionally pending open competitive examination procedures in the subject title since October 28, 2019. It is further noted that the appellant did not submit a resume with his application and only listed his provisional experience on his application. Therefore, Agency Services concluded that the appellant lacked one year and eight months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant states that he is eligible for the subject examination because he has been in the vehicle repair industry for 25 years and has eight years of experience in the maintenance and repair of heavy-duty trucks and diesel equipment. In support of his appeal, the appellant submits a detailed summary of his full work history that includes his employment with Rich's Automotive from September 2016 to October 2019, which indicates he has three years of experience in the installation, maintenance, and repair of diesel engines. He also presents additional training, licenses and certifications that were not previously submitted with his original application.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:2-1(f) states that prior to the announced closing date, an applicant may amend a previously submitted application. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, Agency Services correctly determined that the appellant did not meet the required three years of experience listed on the announcement as he did not indicate his full employment history on his application nor did he submit a resume. The Commission generally denies any documentation submitted on appeal indicating work in a setting that was not previously listed on the original application or resume. It is noted that the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. However, under the circumstances of this case, the Commission finds there is good cause to relax *N.J.A.C.* 4A:4-2.3(b)2 and admit the appellant to the examination.

The appellant is serving provisionally in the subject title and the only candidate on the eligible list was appointed effective December 1, 2020. Thus,

absent accepting the appellant's work experience submitted on appeal, no other eligible candidate can be appointed as the current list has been exhausted and is set to expire on November 4, 2023. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. *See Communications Worker of America v. New Jersey Department of Personnel, 154 N.J. 121 (1998).*

The Commission notes that the appellant's remedy is limited to the unique circumstances of this matter and does not provide a precedent in any other matter. The appellant is cautioned that, for future examination announcements, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process.

ORDER

Therefore, it is ordered that the appeal be granted, and James Sofie'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 17TH DAY OF FEBRUARY, 2021

Deirdre' L. Webster Cobb

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