



STATE OF NEW JERSEY

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

In the Matter of Zachary Tufaro,
Sewage Plant Operator (C0705B),
Bergen County

Examination Appeal

CSC Docket No. 2021-1771

ISSUED: JULY 2, 2021 (SLK)

Zachary Tufaro, represented by Daniel J. Zirrith, Esq., 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 Sewage Plant Operator (C0705B), Bergen County.

The subject examination’s closing date was December 21, 2020. The experience requirements were one year of experience in operating, adjusting, regulating, repairing and maintaining pumps, valves, electric motors, and other electrical and mechanical equipment of the type used in a sewage treatment plant. A total of eight individuals applied and one was determined eligible. Certification OL210499 was issued and its disposition is due September 7, 2021. The list expires on May 12, 2024.

On his application, the appellant indicated that he was a Sewage Plant Attendant from April 2018 to December 2020. Personnel records indicate that the appellant was temporarily appointed to the subject title from July 2020 to the December 21, 2020 closing date, a Sewage Plant Attendant from August 2019 to July 2020, and a Laborer 1 from April 2018 to August 2019. It is also noted that the appellant was returned to his position as a Sewage Plant Attendant after the closing date. Agency Services credited him with eight months of experience from May 2020 to the December 21, 2020 closing date, but determined that he lacked four months of experience.

On appeal, the appellant certifies that he performed the required duties and clarifies in detail the duties that he performed as a Laborer 1 from April 2018 to August 2019, as a Sewage Plant Attendant from August 2019 to July 2020, and during his temporary appointment in the subject title from July 2020 to the December 21, 2020 closing date. Further, the appointing authority supports the appellant's appeal and description of his duties.

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.

Initially, Agency Services correctly determined that the appellant was not eligible as he did not clearly articulate on his application that he performed the required duties prior to May 2020. However, on appeal, the appellant separated the duties and the time that he served in each title and he clearly articulated how he performed the required duties in those various titles for more than the required time.¹ 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 appellant is cautioned to, in the future, fill out any applications completely, accurately and as indicated in the instructions. Failure to do so will result in his ineligibility for future examinations.

ORDER

Therefore, it is ordered that the 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.

¹ It is noted that the appellant's applicable duties as a Laborer 1 are out-of-title duties. However, as the announcement is for an open competitive position, these duties would also be considered applicable. Regardless, even without considering those duties, the appellant has sufficient experience.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 30TH DAY OF JUNE, 2021

Deirdre' L. Webster Cobb

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