



STATE OF NEW JERSEY

In the Matter of Jack Bonsall and
Albert Garth, Maintenance Worker 2
Grounds (PC2803B), Atlantic County

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

CSC Docket Nos. 2021-1983 and
2022-49

Examination Appeal

ISSUED: JANUARY 21, 2022 (JH)

Jack Bonsall and Albert Garth appeal the determinations of the Division of Agency Services (Agency Services), which found that they did not meet the experience requirements for the promotional examination for Maintenance Worker 2 Grounds (PC2803B), Atlantic County.

The subject examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service and were serving in the Maintenance Worker 1 Grounds title as of the October 21, 2020 closing date and met the following requirement: one year of experience in the care and maintenance of grounds. Pursuant to the substitution clause, one year of experience in the planning, repair and/or maintenance of irrigation systems could be substituted for the requisite experience. It is noted that four employees applied, including the appellants, and two were admitted.

Bonsall’s application indicated that he was serving provisionally in the subject title from June 2020 through the closing date and Agency Services credited him with five months of applicable experience. Since Bonsall did not provide any further information on his application, Agency Services determined that he lacked seven months of applicable experience.

Garth’s application indicated that from October 2020 through the closing date, he worked for Atlantic County and performed the following duties, “run crew [and] perform simple maintenance of equip[ment].” Agency Services determined

that since Garth did not indicate any experience in the care and maintenance of grounds, he was found ineligible for the subject promotional examination.

On appeal, Bonsall maintains that he was “promoted from a full time Laborer 1 to the title of Maintenance Worker 1 Grounds on January 27, 2019 and I spent 1 year and 5 months in this position performing duties including but not limited to the care of all county-owned grounds. This included mowing, weed wacking, and blowing off lawn areas on a weekly basis. I would operate various pieces of equipment including tractors, riding lawn mowers, chainsaws, gas-powered shears, pole saws and backpack blowers.” He further indicates that he “sprayed or removed all weeds in flower beds . . . Once the growing season had concluded, I was part of a crew that would trim all bushes, edge all planting beds and pick up leaves at all parks and building sites as well.”

Garth indicates that he served provisionally in the subject title from June 14, 2020 through the closing date. He further indicates that he worked as a Maintenance Worker 1 Grounds from December 31, 2011 to June 2020 and his duties included mowing grass, shoveling snow, spraying pesticides and “coordinat[ing] with crew.” He also notes that he worked as a Laborer from June 28, 2010 to December 2011. He indicates his duties as including mowing grass and shoveling snow.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

With respect to Bonsall, although he was serving provisionally in the subject title at the time of the announcement, Agency Services correctly determined that he lacked the one year of applicable experience as of the closing date since he did not list any other position on his application. However, in his appeal, Bonsall indicates additional positions with Atlantic County that were not provided in his original application. Pursuant to *N.J.A.C.* 4A:4-2.1(g), the Commission may accept clarifying information from an applicant. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. Thus, 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 contrast, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. As such, the Commission can only consider information provided on appeal regarding the positions listed on the appellant’s original application. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). However, in the present matter, the Commission notes that Bonsall

continues to serve provisionally in the title under test and there is an incomplete list. Furthermore, based on the information Bonsall provided regarding his experience while employed with Atlantic County, it is clear that he possesses more than the required applicable experience. Thus, under these circumstances, good cause has been established to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and accept the information provided by Bonsall and admit him to the subject test.

Regarding Garth, based on the clarifying information provided, the Commission is satisfied that Garth possesses more than the required applicable experience and should be admitted to the subject examination.

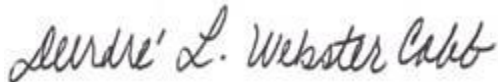
The appellants are reminded that for future promotional applications, they should provide detailed information regarding their positions and relevant duties they perform. Given the tens of thousands of applications that Agency Services reviews each year when making eligibility determinations, it is necessary for an applicant to provide accurate background information, including dates of employment and a detailed description of duties, in order for Agency Services to properly credit all relevant experience.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants' applications 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 19TH DAY OF JANUARY, 2022



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