



**STATE OF NEW JERSEY**

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

In the Matter of Matthew Beningaso,  
Laborer 3 (PM3726D), Long Beach  
Township

CSC Docket No. 2022-2985

Examination Appeal

**ISSUED: August 24, 2022 (RE)**

Matthew Beningaso appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Laborer 3 (PM3726D), Long Beach Township.

The subject examination announcement was issued with a closing date of February 22, 2022, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Laborer 2, or who were in any competitive title and met the requirements of two years of experience in manual laboring work. The appellant was found to be below the minimum requirements in experience. One candidate appears on the eligible list, which has been certified once, but no appointments have yet been made.

The appellant listed one position on his application, Equipment Operator from March 2007 to February 2022. He described supervisory duties, supervising special events, and his knowledge and abilities. As this description did not match the announced experience, he was found to be lacking two years of applicable experience. It is noted that official records indicate that the appellant was a provisional Laborer 3 from July 2021 to the February 2022 closing date, an Equipment Operator from August 2013 to July 2021, a Laborer 1 from December 2011 to August 2013, an Equipment Operator/Maintenance Repairer from June 2010 to December 2011, and a Laborer 1 from March 2007 to June 2010.

On appeal, the appellant describes his titles and dates of service in those titles, and concludes that he meets the requirements.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (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.

Initially, Agency Services correctly found the appellant to be ineligible for the subject examination since, according to his application, he lacked the required experience. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Also, the application states that, by clicking “yes,” the applicant certified that the employment history was complete and accurate. The On-Line Application System User’s Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the application advise applicants to provide **all** employment information (not just current employment information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

In the instant matter, while the appellant did not provide a correct employment history with duties for each position, it is noted that he filed an application in September 2017 for Supervisor of Public Works (PM2274V). It is assumed that duties in the past are static, *i.e.*, they cannot change over time. As the Commission has prior applications kept electronically, it is practical and sound that these documents be accessed for clarification purposes. The Commission no longer needs to rely solely on the “one-time” process of each application being separate, when paper is no longer the medium by which applications are processed. In that respect, online applications in the database can also be used to verify duties performed in the past. In this case, on the application for Supervisor of Public Works, the appellant indicated he was a “Labor” from March 2007 to September 2011, and his included in his duties, “shoveling, raking, operating equipment.” While the appellant is terse in this description, and inaccurate with his title and dates, clearly manual labor was involved in his Laborer 1 position, and records indicate that the appellant did these duties from March 2007 to June 2010. Further, the Commission notes that the list is incomplete as it only contains one eligible. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) to accept the appellant’s experience as

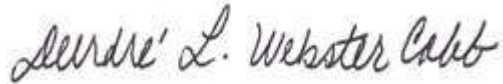
submitted previously as a Laborer 1, for eligibility purposes only, and admit him to the examination.

**ORDER**

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

This 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 24<sup>TH</sup> DAY OF AUGUST, 2022



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