

On appeal, the appellant describes the duties of his various positions. He also adds a position, Road Repairer 1 from April 2014 to December 2015, which he had originally included with Road Repairer 2.

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.

The job specification for Heavy Equipment Operator indicates that, in comparison with Equipment Operators, incumbents in this title operate equipment that is larger, more complex, and used on more varied types of terrain requiring greater skill and greater motor coordination to manipulate, and/or in more confined spaces where the consequences of error and potential for danger are greater, and which require additional certification or licensure.

At the outset, it is noted that qualifying experience has the announced experience requirement as the primary focus of the position, and each position has only one primary focus.

A Road Repairer 2 performs work involved with the maintenance, repair, resurfacing, and/or construction of roads within a jurisdiction and/or assists in the installation and/or maintenance of traffic lines and traffic sign. The duties that the appellant listed on his application compare favorably with this definition. While the operation and maintenance of some equipment is required to perform these duties, this was not the primary focus of the position. Additionally, as a Truck Driver, the appellant listed duties that essentially involved driving, loading, and maintaining trucks. As a Laborer, the appellant indicated that he performed duties collecting trash, landscaping, mowing, tree removal, replacing guide rails, and snow removal. For these positions, while the appellant operated construction and maintenance equipment, this was not the primary focus. Further, there is no indication on his application that the appellant maintained construction and maintenance equipment. Further, the appellant performed numerous other duties in his positions, which do not have the announced experience requirement as the primary focus.

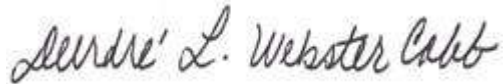
An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this request be denied, and an open competitive examination for the title be announced.

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 12TH DAY OF OCTOBER, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Daniel Wescoat
Dennis Levinson
Division of Agency Services
Records Center