

## STATE OF NEW JERSEY

In the Matter of Daniel Wescoat, Heavy Equipment Operator (PC3958D), Atlantic County

CSC Docket No. 2023-290

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

**Examination Appeal** 

**ISSUED:** October 12, 2022 (RE)

Daniel Wescoat appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Heavy Equipment Operator (PC3958D), Atlantic County.

The subject examination was announced with an April 21, 2022 closing date, 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 any competitive title and meet the experience requirements of two years of experience in the operation and maintenance of construction and maintenance equipment. As the appellant was the sole applicant, the examination was cancelled on August 12, 2022.

On his application, the appellant listed four positions: provisional Heavy Equipment Operator from November 2021 to the April 2022 closing date; Road Repairer 2 from August 2010 to November 2021; Truck Driver from October 1999 to August 2010; and Laborer from June 1989 to October 1999. Official records show a similar yet different employment history. These records indicate that the appellant was a provisional Heavy Equipment Operator from November 2021 to the April 2022 closing date; Road Repairer 2 from December 2015 to November 2021; Road Repairer 1 from April 2014 to December 2015; Truck Driver from September 1999 to April 2014, and Laborer 1 from June 1989 to September 1999. The appellant was credited with six months of experience in his provisional position and was found to be lacking one year, six months of experience.

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  $12^{TH}$  DAY OF OCTOBER, 2022

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