



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joseph DeMaio,
Equipment Operator (PC4095D),
Middlesex County

CSC Docket No. 2023-301

Examination Appeal

ISSUED: November 2, 2022 (RE)

Joseph DeMaio appeals the decision of the Division of Agency Services (Agency Services) which found that he did not have the required amount of service in a competitive title for the promotional examination for Equipment Operator (PC4095D), Middlesex County.

The subject examination had a closing date of May 23, 2022 and was open to employees in the **competitive** division who had an aggregate of one year of continuous permanent service in any competitive title as of the closing date, and who met the open competitive requirements. The appellant submitted an application with one position, "Senior Maintenance" from March 2013 to the May 2022 closing date. Official records indicate that he was regularly appointed as a Maintenance Worker 2 Grounds on March 28, 2022, was provisionally appointed to that title on November 9, 2020, and was a Maintenance Worker 1 Grounds and Laborer 1 prior to that. Although he was appointed as a Maintenance Worker 2 Grounds, which is a title in the competitive division, he lacked an aggregate of one year of continuous permanent service in a competitive division title as of the closing date.

On appeal, the appellant states that he has been in the title Maintenance Worker 2 Grounds since November 2020, and should be eligible to continue in the examination process. He adds that he was promoted in November 2020, and was found ineligible because the "State is/was behind on records" as it took over a year to announce a "Senior Maintenance 2" test, but only three weeks to announce an

Equipment Operator examination. He also argues that the County's records are incorrect.

CONCLUSION

A permanent appointment is effectuated by a regular appointment and completion of a working test period. *N.J.A.C.* 4A:4-5.1, the working test period is part of the examination process designed to permit an appointing authority to determine whether an employee can satisfactorily perform the duties of the title. *N.J.A.C.* 4A:4-5.2(b)1 states, in pertinent part, that the length of the working test period, in local service, shall be a period of three months of active service.

The appellant was correctly deemed to be ineligible for the subject examination since he lacked the required amount of service in a competitive title. The titles of Laborer 1 and Maintenance Worker 1 Grounds are in the non-competitive division. The appellant was regularly appointed to Maintenance Worker 2 Grounds on March 28, 2022. As the closing date was May 23, 2022, he had not completed his working test period and therefore was not permanent in the title at that time. As experience in a provisional appointment is not considered, the appellant's provisional experience cannot count as permanent service. The appellant had less than two months of service as a Maintenance Worker 2 Grounds, and therefore was not permanent in a competitive title.

As to the appellant's arguments regarding the timing of the announcement, each examination is separate. The announcement of one examination has no bearing on the announcement of another examination. An announcement does not necessarily rely on communication between the Civil Service Commission (Commission) and appointing authorities as the Commission decides when an examination will be announced. Additionally, the appellant is cautioned to provide each of his positions separately on future applications.

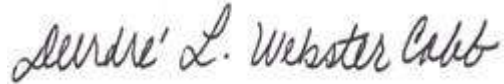
An independent review of all material presented indicates that the decision of Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision.

ORDER

Therefore, it is ordered that this appeal be denied.

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 2ND DAY OF NOVEMBER, 2022



Deirdré 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: Joseph DeMaio
Division of Agency Services
Records Center