



**STATE OF NEW JERSEY**

In the Matter of John Sigle,  
Equipment Operator (PC4095D),  
Middlesex County

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

CSC Docket No. 2023-277

Examination Appeal

**ISSUED:** December 7, 2022 (SLK)

John Sigle appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Equipment Operator (PC4095D), Middlesex County.

The subject examination's closing date was May 23, 2022. The experience requirements were one year of experience in the operation and maintenance of construction and maintenance equipment. Appropriate formal training in the operation of maintenance/construction equipment could have been substituted for the indicated experience. If an applicant listed experience in titles other than equipment operator titles, the applicant must have indicated the percentage of time spent operating equipment for each position listed or the experience would not be evaluated. A total of nine employees applied, and two were admitted. The list has not yet promulgated.

On his application, the appellant indicated that he was provisionally serving in the subject title from October 2021 to the closing date. Personnel records indicate that he was provisionally serving in the subject title from October 2021 to the closing date, a Maintenance Worker 2, Grounds from June 2020 to October 2021, a Maintenance Worker 1, Grounds from January 2013 to June 2020, a Maintenance Repairer from July 2011 to January 2013, and a Laborer 1. Agency Services credited the appellant with having eight months of experience based on his provisional service in the subject title, but determined that he lacked four months of experience.

On appeal, the appellant submits a letter from the Director, Office of Parks & Recreation, Department of Infrastructure Management, (Director) that states that the appellant has been working in an equipment operator capacity since 2009. Further, the Director provides that when the appellant started with the appointing authority, he already had significant equipment operating experience. The Director describes how the appellant performs the required duties.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) requires applicants to possess all the requirements specified in an announcement for a promotional examination 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 order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible as he had eight months of experience based on his provisional service in the subject title, but lacked four months of experience as he failed to list any other experience on his application. However, on appeal, the appellant indicates that he has gained the required experience while serving provisionally in the subject title after the closing date. Further, the list will be incomplete as there are only two admitted candidates. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). Therefore, there is good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination.

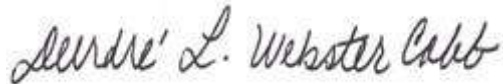
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so may be cause for rejection from the selection process. *See N.J.A.C.* 4A:4-2.1(f). This determination is limited to the instant matter and does not provide precedent in any other matter.

### ORDER

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

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 7<sup>TH</sup> DAY OF DECEMBER, 2022



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