



B-26

STATE OF NEW JERSEY

In the Matter of Joseph Polizzi,
Construction and Maintenance
Technician 2 (PS0590T), Department
of Transportation

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-165

Examination Appeal

ISSUED: OCT 09 2015 (SLK)

Joseph Polizzi appeals the determination of the Division of Agency Services (Agency Services) that he was not eligible for the promotional examination for Construction and Maintenance Technician 2 (PS0590T), Department of Transportation (Transportation) since he was not employed in the announced unit scope.

The promotional examination at issue was announced with specific requirements and was open to employees with an aggregate of one year of continuous permanent service who were serving in unit scope T505 as of the April, 21, 2015 closing date (see attached). A total of 37 employees applied for the subject examination and 36 were deemed eligible. The test has not yet been administered.

Agency Services' review of the appellant's application and employment record revealed that he had resigned from his position with Transportation on April 17, 2015 and started his employment with the Department of the Treasury (Treasury) with the pay period beginning April 18, 2015. Therefore, he was deemed ineligible because he was not employed in the unit scope to which the examination was announced.

On appeal, the appellant submits a letter, dated April 1, 2015 from the appointing authority, stating that he may be eligible to apply for the subject examination. The appellant also presents that the subject announcement was issued on April 1, 2015 and it indicated that the examination was open to employees serving

in his title, Construction and Maintenance Technician 2, who were employed in his unit scope, T505. Additionally, the appellant attaches his Notice of Certification for Construction and Maintenance Technician 3 (PS150158), dated February 11, 2015, as evidence that he is eligible for the subject examination. Further, the appellant maintains that the letter of resignation he sent the appointing authority was not fully recognized by it and his employment with Treasury was never put into effect. As evidence that he never resigned from the appointing authority, the appellant submits his paystub from April 18, 2015 through May 1, 2015 that was issued by Treasury which shows that this payment was for employment in Unit 54 Transportation and not Treasury. He reiterates that the subject examination was open to employees who had one year of continuous permanent service as either a Construction and Maintenance Technician 3 or 4 and he submits a letter from the appointing authority indicating that he has been employed by it as a Construction and Maintenance Technician 4 since June 2012.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations shall be currently serving in the announced unit scope in a title to which the examination is open and meet all other requirements contained in the announcement. *N.J.A.C.* 4A:4-2.6(a)1 provides that applicants for a promotional examination must have one year of continuous permanent service immediately preceding the closing date in an announced title to which the examination is open. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

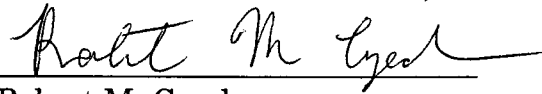
In this matter, the promotional announcement for Construction and Maintenance Technician 2 (PS0590T) was open to employees who were employed in Unit Scope T505 as of the April 21, 2015 closing date. Additionally, applicants needed one year of continuous permanent service as a Construction and Maintenance Technician 3 or 4 immediately preceding the closing date. A review of the appellant's personnel record indicates that he resigned from his position as a Construction and Maintenance Technician 4 on April 17, 2015. However, the appellant claims that his letter of resignation was not fully recognized by Transportation and his employment was never put into effect by Treasury. Additionally, the appellant's personnel record indicates that after a few days of service with Treasury, he was no longer interested in the position and Transportation agreed to reemploy him. Although the appellant was not employed in the announced unit scope as of the closing date, given the unique circumstances of this case, the fact that this period of time was for less than one pay period, and for equitable reasons, the Commission will admit him to the subject examination. However, this remedy is limited to the facts of this situation and shall not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted and Agency Services shall review the appellant's application to determine if he meets the announced requirements. If it is determined that the appellant has met all of the eligibility requirements, he should be admitted to the examination.

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 7th DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Joseph Polizzi
Michele Shapiro
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS0590T

WEIGHT CODE: *

TITLE: CONSTRUCTION AND MAINTENANCE TECHNICIAN 2

SALARY: \$47,107.00 - \$66,514.00

ISSUE DATE: April 01, 2015

CLOSING DATE: April 21, 2015

TITLE CODE: 10131/PTRXR2

CLASS CODE: 18

DEPARTMENT: TPA/TRANSPORTATION

UNIT SCOPE: T505 Capital Program Management

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open, have an aggregate of one year of continuous permanent service as of the closing date in the following title(s), and meet the requirements listed below:

Construction and Maintenance Technician 3
Construction and Maintenance Technician 4

Education: Satisfactory completion of sixty (60) college semester hour credits in an engineering or engineering technology program. You must attach a copy of your transcripts or a list of applicable courses and credits earned to your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Experience: Two (2) years of experience in the inspection or testing of materials, reviewing permit applications, inspecting construction work, and/or construction/maintenance work requiring mathematical calculations to estimate materials or labor needed or used.

Note: Applicants who do not possess the required education may substitute additional experience as indicated above on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Note: Applicants who do not possess the required experience may substitute additional college semester hour credits in engineering or engineering technology program on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09