



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Neurys Medina,
Equipment Operator (PM2346T),
Clifton

CSC Docket No. 2016-3412

Examination Appeal

ISSUED: **DEC 21 2016** (WR)

Neurys Medina appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the requirements for the promotional examination for Equipment Operator (PM2346T), Clifton.

The subject examination was announced with a closing date of November 21, 2015, and was open, in part, to applicants who possessed one year of experience in the operation and maintenance of construction and maintenance equipment. Applicants could substitute formal training in the operation of maintenance/construction equipment for the required experience. An eligible list The resulting eligible list of four names promulgated on March 24, 2016 and expires on March 23, 2019. Agency records indicate that a certification (PL160409) containing all four names was issued to the appointing authority on March 28, 2016. It is noted that the appointing authority has not yet returned the certification.

A review of the appellant's application indicates that he did not list any work experience nor did he list any relevant training. As a result, the Division of Agency Services determined that he lacked the required experience as of the closing date and was, therefore, ineligible.

On appeal to the Civil Service Commission (Commission), the appellant highlights the duties he has performed as a laborer since July 7, 2008¹ and contends that his performance of such duties satisfies the aforementioned experience requirement. He states that since the eligibility list is valid for several years, he did not act in bad faith and as he ably performs his duties, he should be admitted to the subject examination.

CONCLUSION

N.J.A.C. 4A: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:4-6.3(b) states that the appellant has the burden of proof in examination appeals. Under *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given title that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume submitted with the application cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the applicant's original application. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). It is noted that the appellant's application did not list any experience. Thus, the experience the appellant describes on appeal cannot be considered because it is amending information. Accordingly, the appellant has failed to meet his burden of proof in the matter and a sufficient basis exists in the record to support Agency Services' determination that the appellant is ineligible for the Equipment Operator (PM2346T), Clifton examination.

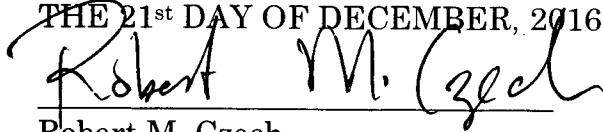
ORDER

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.

¹ Agency records indicate the appellant was provisionally appointed to the subject title, effective August 1, 2016. He was demoted to the title of Laborer 1, effective June 1, 2016.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21st DAY OF DECEMBER, 2016



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