



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Dennis Morgan,
Institutional Trade Instructor 2
Warehousing (PS5039I), South
Woods State Prison

Examination Appeal

CSC Docket Nos. 2018-954

ISSUED: **NOV 03 2017** (SLK)

Dennis Morgan appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Institutional Trade Instructor 2 Warehousing (PS5039I), South Woods State Prison.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2017 closing date (see attached). A total of three employees applied and one was deemed eligible. Agency Services credited the appellant with 1 year and 10 months of general experience and 3 months of training experience based on his provisional service in the subject title from April 2017 to the June 21, 2017 closing date and pro-rating his 28 hours per week as an Inventory Control for Advance Auto from August 2006 to June 2008, but determined that he lacked 1 year and 2 months of general experience and 9 months of training experience. It found that he had a total of 10 months¹ of general and training experience while on light duty during various short-terms assignments as a Heavy Equipment Operator from May 1999 to April 2017, but these duties would be considered out-of-title work and the appellant's other experience dating back to 1984 in various positions was not primarily focused in the required areas.

¹ The appellant was on light duty as a Heavy Equipment Operator from January 5, 2010 to January 27, 2010, April 7, 2011 to July 11, 2011, and August 10, 2015 to December 8, 2015.

On appeal, the appellant submits letters from Jennifer Caignon, Manager 2, Human Resources and J. Edward Volovar, Jr., Industrial Manager 1, who confirm that the appellant, while on light duty for a total of 10 months as a Heavy Equipment Operator, performed the required general and training duties.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. *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 purposes of Title 11A, New Jersey Statutes.

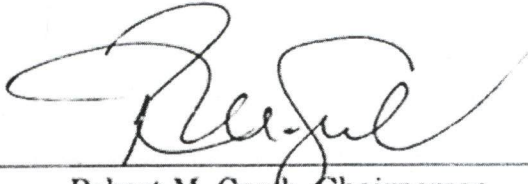
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant had 1 year and 10 months of general experience and 3 months of training experience based on his provisional service in the subject title and his pro-rated part-time experience as an Inventory Control. However, the appellant's 10 months of general and training experience as a Heavy Equipment Operator would be out-of-title work and his other experience was not primarily focused on the required duties. However, Ms. Caignon and Mr. Volovar confirm that the appellant performed the required general and training duties while on light duty as a Heavy Equipment Operator. Further, the appellant gained additional general and training experience while serving after the closing date and he continues to serve provisionally in the title under test. Moreover, the record evidences that list is incomplete as there is only one name on the eligible list. Therefore, under these circumstances, good cause exists to accept the appellant's out-of-title work and relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept his provisional service in the subject title after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted and Dennis Morgan'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 1st DAY OF NOVEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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: Dennis Morgan
Jennifer Caignon
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE

PROMOTIONAL ANNOUNCEMENT

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

SYMBOL: **PS50391**

WEIGHT CODE: *

TITLE: **INSTITUTIONAL TRADE INSTRUCTOR 2 WAREHOUSING**SALARY: **\$46,589.00 - \$65,781.00**ISSUE DATE: **June 01, 2017**CLOSING DATE: **June 21, 2017**TITLE CODE: **406231/R3RXR2**CLASS CODE: **18**DEPARTMENT: **COIE/CORRECTIONS**UNIT SCOPE: **I380 South Woods State Prison (Bridgeton)**

APPLICATIONS MAY BE OBTAINED
 FROM AND MUST BE RETURNED TO:

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 have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Experience: Three (3) years of experience in the warehouse and/or commissary trades which include the receipt, recording, storage and distribution of varied types of equipment, materials, and supplies, one (1) year of which shall have been in the training of new workers.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATIONS ONLINE. 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 Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A 5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved 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 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.

8. Application fees submitted via personal check or money order must be postmarked within **five (5) business days** of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A * Revised 07/06

