



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert Bindos and
Rocco Simeone, Road Repair
Supervisor (PC0315V), Woodbridge

CSC Docket Nos. 2018-681
2018-563

Examination Appeals

ISSUED: NOVEMBER 20, 2017 (RE)

Robert Bindos and Rocco Simeone appeal the determinations of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the promotional examination for Road Repair Supervisor (PC0315V), Woodbridge. These appeals have been consolidated due to common issues.

The subject examination announcement was issued with specific requirements which had to be met as of the April 21, 2017 closing date (see attached). As the appellants were the only applicants, the examination was cancelled on September 2, 2017.

Mr. Bindos listed one position on his application, provisional Road Repair Supervisor from April 1988 to April 2017. Official records indicate a different employment history. These records indicate that the appellant was a provisional Road Repair Supervisor from January 2017 to April 2017; Heavy Equipment Operator from April 2012 to January 2017; Truck Driver from January 2003 to April 2012; Laborer 1 from the May 1994 to January 2003; and Street Sweeper from April 1988 to May 1994. As Mr. Bindos did not correctly complete his application, Agency Services emailed him and left a phone message asking for clarification of his employment. He did not respond. He was found to possess four months of applicable experience in his provisional position, and was lacking three years, eight months of general experience, eight months of which should have been in a lead worker capacity.

Mr. Simeone listed six positions on his application: provisional Road Repair Supervisor, Heavy Equipment Operator, Truck Driver, Tree Climber, Laborer 1 and Street Sweeper. He was credited with six years, four months of applicable experience in the first two positions, and four months of experience as a lead worker in his provisional position.

On appeal, Mr. Bindos states that he had been working in a supervisory role as a Heavy Equipment Operator, as he filled in as a supervisor in all aspects of road repair including maintaining equipment. He indicates that he has been working in the Woodbridge Township Public Works Department for 29 years. In his appeal, Mr. Simeon provides an extensive list of duties for his various positions, and indicates that he has been a lead worker for more than two years, from July 2014 to the present. In support of these appeals, the Director of Public Works indicates that both appellants performed out-of-title work as lead workers. He states that Mr. Bindos had been supervising a pavement crew as a Heavy Equipment Operator, when he was running the paving machines and milling equipment. He also indicates that Mr. Simone supervised during emergencies for 10 years. In support, the appointing authority concurs with these duties, and requests and that they be found eligible for the examination.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides, in pertinent part, that 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, unless good cause is shown for an exception.

CONCLUSION

Initially, the appellants were correctly denied admittance to the subject examination since they did not indicate on their applications that they possessed the required experience as the primary focus of their positions. Nonetheless, both appellants have sent in clarifying information regarding the duties of their positions, which indicated that they were lead workers. Further, the Director of Public Works confirmed the performance of the required duties for Mr. Bindos in his position as Heavy Equipment Operator. He also confirms the performance of the required lead worker experience for both appellants, and the eligible list is incomplete. The appointing authority wishes to make multiple appointments and therefore there is a basis for accepting out-of-title experience. As such, good cause exists to accept the clarification of Mr. Bindos' experience, and the appellants' out-of-title experience as lead workers, and admit them to the subject examination. However, this remedy is limited to the facts of this situation and may not be used as precedent in any other proceeding.

One further note is required here regarding Mr. Bindos' application. The Commission makes official determinations of eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions who are also required to pass a competitive examination and be certified in order to be considered for permanent employment in the competitive division of the career service. *See In the Matter of Jennifer Napoli* (MSB, decided February 24, 2004). Thus, the application is utilized to screen the candidate pool to ensure that applicants meet the minimum experience requirements for each position. Provisional appointees are not exempt from this screening process.

Instructions for completing the application state, "Carefully review your application to ensure that it is complete and accurate before submitting," and "You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper." Further, the applications states, "Employment Record: You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail." The Online Application System User Guide asks candidates to review the application to make sure the information is complete and accurate. It also states that, by clicking "yes" to make a payment and submit the application, the candidate is told that he or she is certifying that the application is complete and accurate.

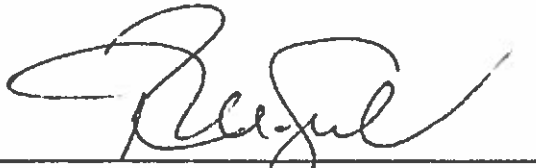
Mr. Bindos did not properly complete his application, and did not respond to attempts from Agency Services to have him clarify his employment. As such, there were no duties given on his application for any title except his provisional position. He also did not provide duties for each of his positions on appeal. He was admitted to this examination based on the clarification of his duties in the position Heavy Equipment Operator by the Director of Public Works. Mr. Bindos is cautioned, when filing applications in the future, to provide all requested information on an application, including separately listing duties for each of his positions.

ORDER

Therefore, it is ordered that these appeals be granted, the examination cancellation be rescinded, and the appellants' applications be processed.

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
THE 15th DAY OF NOVEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
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Attachment

c: Robert Bindos
Rocco Simeone
Robert Landolfi
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PM0315V

WEIGHT CODE: *

TITLE: ROAD REPAIR SUPERVISOR

SALARY: \$ 25.00- \$ 45.00 / Per Hour

ISSUE DATE: April 01, 2017

CLOSING DATE: April 21, 2017

TITLE CODE: 06654/ PBRMRI

JURISDICTION CODE: N12250008

JURISDICTION: WOODBRIDGE

DEPARTMENT: PUBLIC WORKS

RETURN COMPLETED APPLICATIONS 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 and are currently serving in the following title(s):

Road Repairer 3 06655

Or 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: Four (4) years of experience in the construction, repair, and maintenance of roads or streets which may have included work involving installation and maintenance of traffic lines and traffic signs, one (1) year of which shall have been in a lead worker capacity.

License: Appointees may 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.

License: Appointees are required to possess a valid Commercial Driver's License (CDL), Class B, for the class and type of vehicle being operated.

Note: 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 jurisdiction/department, and satisfying the permanent status requirement.
2. **ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. 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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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.** (i.e. Police, Fire, Corrections and Sheriff).
6. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the department indicated above. If you do not know your department, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the department 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 of 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