



STATE OF NEW JERSEY

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

In the Matter of William Moran, Jr.,
Maintenance Worker, Grounds
(PC3443E), Middlesex County

CSC Docket No. 2024-977

Examination Appeal

ISSUED: February 28, 2024 (PS)

William Moran, Jr., appeals the determination of the Division of Agency Services (Agency Services) that he was not eligible for the promotional examination for Maintenance Worker 3, Grounds (PC3443E), Middlesex County.

By way of background, the subject promotional examination was announced with specific requirements that had to be met as of the August 21, 2023, closing date. Specifically, the examination was open to employees who were currently serving in the competitive title of Maintenance Worker 2, Grounds and possessed an aggregate of one year of continuous permanent service in that title as of the closing date. There were 11 employees who applied for the examination that resulted in a list of 10 eligibles, which promulgated on October 26, 2023, and expires on October 25, 2026. It is noted that the appellant was deemed ineligible as he was not currently permanently serving in the title of Maintenance Worker 2, Grounds.

On appeal, the appellant argues that he should have been admitted to the subject examination. Specifically, he indicates that his 32 years of service and experience meets or exceeds the years of service criteria for the title of Maintenance Worker 3, Grounds, and therefore, he should be admitted to the subject examination. Moreover, the appellant maintains that as an Equipment Operator he is responsible for operating equipment, as well as manual/unskilled labor, which encapsulates the tasks and responsibilities of a Maintenance Worker 2, Grounds.

Agency Records indicate the appellant was appointed to the competitive title of Equipment Operator, effective January 2, 2006.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides, in pertinent part, that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title to which the examination is open. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, Agency Services correctly determined that the appellant was not eligible for the subject examination. In this regard, as indicated above, applicants for promotional examinations must have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title to which the examination is open. In this matter, the examination was only open to individuals who possessed one year of permanent service and were currently permanent in the next in-series title of Maintenance Worker 2, Grounds. As such, the appellant's service as an Equipment Operator does not establish eligibility. Therefore, it was correctly determined that the appellant was ineligible as of the August 21, 2023, closing date for this examination as he was not permanent in the title of Maintenance Worker 2, Grounds. Finally, as the examination was **only** open to permanent employees in the title of Maintenance Worker 2, Grounds, an applicant's experience would not be considered for eligibility purposes, and therefore, the appellant's experience was correctly not considered. Moreover, even if experience was to be considered, whether an applicant's experience meets the requirements for a title is immaterial **unless** the applicant also meets any title requirements. Accordingly, the appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that the appeal be denied.

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 28TH DAY OF FEBRUARY, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: William Moran, Jr.
Joan Kartelias
Division of Agency Services
Records Center