

B-24

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Richard Malia,  
Coordinator of Maintenance Services  
(PM0156T), Bayonne

Examination Appeal

CSC Docket No. 2016-286

ISSUED: **OCT 09 2015** (SLK)

Richard Malia appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Coordinator of Maintenance Services (PM0156T), Bayonne.

The examination at issue was announced with specific requirements that had to be met as of the February 21, 2015 closing date (see attached). A total of six employees applied for and one was deemed eligible for the subject examination. Certification PL150740 was issued containing the name of the one eligible who was appointed. The eligible list expires on July 1, 2018.

Mr. Malia indicated on his application that he was serving provisionally in the subject title from September 1993 to the February 21, 2015 closing date. Personnel records indicate that he was provisionally serving in the subject title from September 2014 to the February 21, 2015 closing date, a Maintenance Worker 2 Grounds from January 1999 to September 2014, a Maintenance Worker 1 Grounds from November 1998 to January 1999, a Maintenance Worker 2 Grounds February 1998 to November 1998, and a Maintenance Worker 1 Grounds from November 1994 to February 1998. Agency Services credited him with six months of experience based on his provisional service in the subject title, but determined that he lacked three years and six months of the required service.

On appeal, Mr. Malia provides that he has over 20 years of maintenance experience and that he has been performing the duties of the subject title since 2012. He also submits a letter from Gary Chmielewski, Director, Public Works and

Parks, that confirms that he has been performing the work of the title under test for over two years.

### 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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

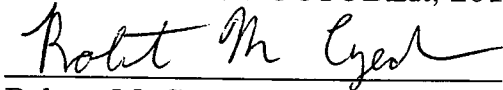
Initially, Agency Services correctly determined that the appellant did not meet the required experience as of the February 21, 2015 closing date. Primarily performing the duties to establish eligibility for the title under test would be considered out-of-title work for incumbents in the Maintenance Worker Grounds title series. However, Gary Chmielewski has indicated that the appellant has been performing the duties of the subject title for over two years. Furthermore, the appellant continues to serve provisionally in the subject title and this is not a competitive situation as there are not any names remaining on the eligible list. Therefore, under these circumstances, good cause exists to accept the appellant's out-of-title work, provisional experience after the closing date, and the totality of Mr. Malia's experience as far back as 1994, for eligibility purposes only, and admit him to the subject examination.

### ORDER

Therefore, it is ordered that this appeal be granted and Mr. Malia'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 7<sup>th</sup> 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: Richard Malia  
James Davis  
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: <b>PM0156T</b>	WEIGHT CODE: *
TITLE: <b>COORDINATOR OF MAINTENANCE SERVICES</b>	SALARY: <b>\$57,015.00 - \$78,395.00</b>
ISSUE DATE: <b>February 01, 2015</b>	CLOSING DATE: <b>February 21, 2015</b>
TITLE CODE: <b>01363@/ N3RJR2</b>	JURISDICTION CODE: <b>N09010080</b>
JURISDICTION: <b>BAYONNE</b>	
DEPARTMENT: <b>PUBLIC WORKS</b>	

**Visit [www.state.nj.us/csc](http://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:** Four (4) years of experience in work involving the construction, repair and maintenance of buildings, one (1) of which shall have been in a supervisory capacity.

**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 jurisdiction/department, and satisfying the permanent status requirement.
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-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 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** (i.e. Police, Fire, Corrections and Sheriff).
6. **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](mailto: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.**

DPF-256A \* Revised 03/09