

B-14



In the Matter of Leonard Gilbert,
Building Management Services :
Specialist 2 (PS0083R), Board of :
Public Utilities :

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-~~3185~~ :
: :
: :
: :
: :
: :
: :
: :

Examination Appeal

ISSUED: NOV 20 2015 (CSM)

Leonard Gilbert appeals the determination of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Building Management Services Specialist 2 (PS0083R), Board of Public Utilities.

The examination at issue was announced with specific requirements that had to be met as of the closing date of February 21, 2015 (see attached). The subject examination was cancelled on June 8, 2015 due to a lack of qualified applicants.

The appellant indicated on his application that he was provisionally serving in the subject title from September 2011 to the closing date, February 2015. A review of the appellant's personnel record indicates that he was provisionally appointed to the subject title in April 2014. From August 2009 to April 2014 he was a Communications Systems Technician 2 and from February 2001 to August 2009 he was an Administrative Analyst 4, Data Processing. From February 1995 to February 2001 he was a Data Processing Programmer Assistant and from February 1992 to February 1995 he was a Data Processing Analyst. The appellant did not indicate completion of any college credits. Agency Services credited the appellant with 11 months of experience based on his provisional service in the title under test, but determined that the remainder of his experience was not applicable.

On appeal, the appellant highlights his experience and maintains that he has been performing duties consistent with those required to establish eligibility for the subject title since 2001. Kenneth J. Sheehan, Chief of Staff, Board of Public

Utilities, submits a letter verifying that he performed out-of-title duties due to business necessity consistent with his appeal submissions.

N.J.A.C. 4A:4-2.6(c) provides 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

In the present matter, a review of the documentation demonstrates that initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was properly credited with 11 months of experience based on his provisional service in the title under test and, in accordance with the substitution clause for education, would need an additional five years and one month of experience to qualify for the examination. Primarily performing the duties required to establish eligibility for the title under test would be considered out-of-title work for incumbents in the Communications Systems Technician 2 and Administrative Analyst 4, Data Processing titles. However, the Chief of Staff has verified that the appellant performed the required out-of-title duties as stated in his appeal submissions since February 2001. Additionally, the subject examination has been cancelled and the appellant continues to serve provisionally in the title under test. Under these circumstances, good cause exists to accept the appellant's out-of-title work experience and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant'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
18TH DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

Attachment

- c. Leonard Gilbert
Kenneth Sheehan
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT

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

SYMBOL: **PS0083R**

WEIGHT CODE: *

TITLE: **BUILDING MANAGEMENT SERVICES SPECIALIST 2**SALARY: **\$59,032.00 - \$83,804.00**ISSUE DATE: **February 01, 2015**CLOSING DATE: **February 21, 2015**TITLE CODE: **52576/NPRXR7**CLASS CODE: **24**DEPARTMENT: **PUA/PUBLIC UTILITIES**UNIT SCOPE: **R682 Division of Administration & Office of Management Information Systems**

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 are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Building Management Services Specialist 3

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:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Three (3) years of experience in the coordination and/or implementation of building management programs including building/property operations analysis, program development, organizational and/or fiscal planning, and/or cost efficiency programs, special building service programs or a related field.

Note: Graduation from an accredited college or university with a Master's degree in Public Administration, Business Administration or closely related field may be substituted for one (1) year of the experience. You must indicate the details of your Master's degree on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

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, including assignment to the department and unit scope, must be met as of the closing date.
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- 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 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.**
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 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 regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09