



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Stuart DeVries,
Crew Supervisor, Building
Maintenance Programs (PS2902K),
Ancora Psychiatric Hospital,
Department of Human Services

Examination Appeal

CSC Docket No. 2016-840

ISSUED: ~~OCT~~ 21 2016

(HS)

Stuart DeVries appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Crew Supervisor, Building Maintenance Programs (PS2902K), Ancora Psychiatric Hospital, Department of Human Services.

The subject examination was announced with a closing date of March 21, 2015 and was open to employees who possessed three years of experience in work involving the inspection, repair and maintenance, of household, office and buildings, including their equipment, appliances, machinery and furnishings. The eligible list of three names promulgated on August 13, 2015 and expires on August 12, 2018. All three eligibles received regular appointments to the subject title, effective September 19, 2015.

On his application, the appellant listed his experience as a Crew Supervisor, Building Maintenance Programs from March 2014 to the closing date;¹ as an Institutional Trade Instructor, Landscaping, from June 2003 to March 2014; as a Head Grounds Worker from July 1990 to June 2003; as an Assistant Head Grounds Worker from April 1988 to July 1990; as a Grounds Worker from March 1983 to April 1988 and from May 1980 to December 1981; and as a Building Maintenance Worker from December 1979 to May 1980. All of the foregoing positions were with Ancora Psychiatric Hospital. The appellant indicated that as a Building

¹ It is noted that the appellant received a provisional appointment to the subject title on March 22, 2014, and he continues to serve in that capacity.

Maintenance Worker, he performed housekeeping duties and cleaned and maintained patients' living areas. For the remainder of his positions, the appellant indicated, in relevant part, that he was responsible for or supervised individuals who were responsible for performing grounds maintenance. None of his listed experience was found to be applicable since the positions either did not involve building maintenance or were not at the required level and scope. Therefore, Agency Services deemed the appellant ineligible since he lacked three years of experience and thus did not meet the experience requirement set forth in the announcement.

On appeal, the appellant argues that he possesses the requisite experience and submits his resume and the promotional announcement for the Crew Supervisor, Building Maintenance Programs position issued by Ancora Psychiatric Hospital. The appellant highlights his Institutional Trade Instructor and Head Grounds Worker positions, arguing that these positions should make him eligible for the subject title. Specifically, the appellant asserts that as a Crew Supervisor, Building Maintenance Programs, he supervised the grounds and transportation departments; scheduled and supervised the repairs of all equipment for the grounds department; scheduled and supervised the repairs of all automobiles for the transportation department; scheduled and supervised the repairs for plumbing, including broken steam lines; worked with the masons to schedule repairs for broken sidewalks and curbing; scheduled to have broken furniture in the buildings repaired; scheduled and supervised the removal of snow and ice and equipment repairs; used the electronic maintenance tracking program knowledgeably; and generated work orders. He asserts that as an Institutional Trade Instructor, Landscaping, he instructed inmates on grounds maintenance; substituted for the superintendent of the grounds department; instructed inmates in digging and repairs of broken pipes and steam lines; scheduled and instructed inmates working with the mason shop to repair broken sidewalks and curbing; removed broken furniture and replaced it with new furniture; removed snow from sidewalks, doorways and platforms; generated work orders; and scheduled and instructed inmates in cleaning storm drains and window wells. He asserts that as a Head Grounds Worker, he supervised others performing grounds maintenance; substituted for the Assistant Engineer-in-Charge of Maintenance; scheduled and supervised the repairs of all equipment for the grounds department; scheduled and supervised the repairs for plumbing, including broken steam lines; scheduled and supervised the repair of storm drains; worked with the masons to schedule repairs for broken sidewalks and curbing; scheduled to have broken furniture in the buildings repaired; scheduled and supervised the removal of snow and ice and equipment repairs; and generated work orders. The appellant also requests a hearing.

The job specification reveals that an individual in the title of Crew Supervisor Building Maintenance Programs has charge of building maintenance

programs and activities, including painting, masonry, carpentry, plumbing, plastering, steamfitting, and in some instances, building construction, groundskeeping, and automotive maintenance work.

CONCLUSION

Initially, the appellant requests a hearing. However, examination appeals are treated as reviews of the written record. *See N.J.S.A. 11A:2-6b*. Hearings are granted in those limited instances where the Civil Service Commission determines that a material and controlling dispute of fact exists that can only be resolved through a hearing. *See N.J.A.C. 4A:2-1.1(d)*. For the reasons explained below, no material issue of disputed fact has been presented that would require a hearing. *See Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978).

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. Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination as the appellant was required to possess three years of applicable experience. However, a review of the appellant's application reveals that he did not possess the required experience.

On appeal, the appellant asserts that he possesses the requisite experience, drawing particular attention to his Institutional Trade Instructor and Head Grounds Worker positions. However, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties that define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). Based on a review of the appellant's application along with the information supplied on appeal, none of the appellant's positions as described by him had experience in work involving the inspection, repair and maintenance, of household, office and buildings, including their equipment, appliances, machinery and furnishings, as the *primary focus*. Accordingly, the record reflects that the appellant did not meet the requirements for the title under test, and there is no basis to disturb Agency Services' decision.

Finally, the appellant is presently serving in the title of Crew Supervisor Building Maintenance Programs. *N.J.S.A. 11A:3-1* and *N.J.A.C. 4A:3-3.1(a)* provide that each position in the career and unclassified services shall be assigned to a job title. *N.J.A.C. 4A:3-3.3(d)* provides that positions in the career, unclassified and

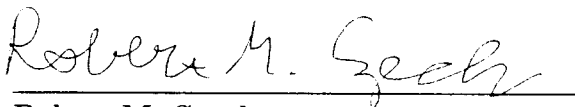
senior executive service shall be subject to job audit to ensure accurate classification and compliance with Titles 11A and 4A. Moreover, *N.J.A.C. 4A:3-3.4* provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. However, the appellant, based on the information he has provided on his application and on appeal, appears to be performing out-of-title work. Therefore, it is appropriate that this matter be referred to Agency Services for a classification review of the appellant's position.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that the Division of Agency Services complete its classification review of Stuart DeVries' position and issue its determination to DeVries and the Department of Human Services within 60 days of the issuance of this decision.

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 19TH DAY OF OCTOBER, 2016



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