



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Michael Estok, Director of Public Works (PC2634T), Mercer County

CSC Docket Nos. 2016-3912

Examination Appeal

ISSUED: ~~OCT 21 2016~~ (SLK)

Michael Estok appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Director of Public Works (PC2634T), Mercer County.

The examination at issue was announced with specific requirements that had to be met as of the December 21, 2015 closing date (see attached). A total of three employees applied for the subject examination and each was deemed ineligible. Accordingly, the examination was cancelled due to a lack of qualified applicants.

Mr. Estok indicated on his application that he was in Bridge Construction from October 2007 to the December 21, 2015 closing date and the Owner of M.J. Estok Construction Company from June 1989 to July 2006. He also indicated that he possessed 15 college credits and was entitled to Veterans Preference. Personnel records indicate that he was a Bridge Repairer from October 2007 to the December 21, 2015 closing date and a Maintenance Repairer from July 2006 to October 2007. Agency Services credited him with 6 months of experience based on his college credits, but, per the substitution clause for education, determined that he lacked 9 years and 6 months of experience.

On appeal, Mr. Estok asserts that a review of his application, which indicates that he was the Owner and Chief Operator of a seven million dollar construction company from 1989 to 2006, shows that he has over 17 years of the required experience. He requests that the Civil Service Commission (Commission) review

the duties that he listed on his application to demonstrate that he meets the experience requirements. He also highlights that he previously had been determined eligible for other Civil Service examinations, including Supervisor Trades, Construction Inspector, Road Repair Supervisor, and Assistant Director Public Works.

CONCLUSION

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:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A review of the record indicates that Agency Services correctly determined that the appellant is not eligible for the subject examination. Agency Services credited the appellant with six months of experience based on his college credits, but, per the substitution clause for education, determined that he lacked nine years and six months of experience. A review of the appellant's application indicates that he copied the examples of work from the job specification for the subject title when asked to list the duties he performed as an Owner of a construction company. However, simply quoting the duties contained in the job specification on an application is not a sufficient basis on which to determine if a candidate's *specific* duties would meet the requirements for an examination. Candidates must demonstrate that the duties they perform qualify them for admission to the examination. See *In the Matter of Maxsine Allen and Vivian Stevenson* (MSB, decided March 10, 2004). Further, the appellant's appeal, which states that the duties that he listed on his application should be reviewed without any further description of these duties, does not demonstrate that he performed the required duties. In reference to his comments regarding his admission to other Civil Service examinations, the Commission notes that the requirements for each examination are fundamentally different and distinct from one another and that each examination is announced as a separate entity and eligibility for one examination has no bearing on another. See *In the Matter of Susan Jurden and Mark O'Sullivan* (MSB, decided May 19, 2004).

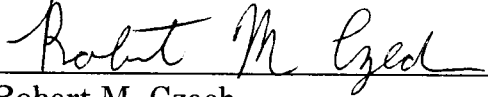
Therefore, there is no basis to disturb the decision of Agency Services. Accordingly, Mr. Estok has not met his burden of proof in this matter.

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 19th DAY OF OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Michael Estok
Kelly Glenn
Joseph Gambino

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



Click here to file Online Print
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PC2634T	WEIGHT CODE: *
TITLE: DIRECTOR OF PUBLIC WORKS	SALARY: \$117,500.00
ISSUE DATE: December 01, 2015	CLOSING DATE: December 21, 2015
TITLE CODE: 07160/ NBRLR2	JURISDICTION CODE: T11000015
JURISDICTION: MERCER COUNTY	
DEPARTMENT: TRANSPORTATION AND INFRASTRUCTURE	

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):

Assistant Director Public Works 07150

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 meet the education requirement above may substitute additional experience as indicated below on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Six (6) years of experience in the development, administration, and implementation of public works or other similar construction/maintenance programs, including responsibility for budgeting and supervision, four (4) years of which shall have included management responsibilities.

Note: Possession of a Master's degree from an accredited college or university in Business Administration, Public Administration, Industrial Management, Industrial Engineering, Management Science, or in a program related to the organization, operation, administration, and control of private or public organizations may be substituted for one (1) year of the above non-supervisory experience.

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. 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 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 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