



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert Liwacz,
Manager 2 Department of Law and
Public Safety (PS2310P), Division of
State Police

Examination Appeal

CSC Docket No. 2017-235

ISSUED: OCT 21 2016 (SLK)

Robert Liwacz 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 Manager 2 Department of Law and Public Safety (PS2310P), Division of State Police.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2016 (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.

On his application, Mr. Liwacz indicated that he was provisionally serving in the subject title from March 2015 to the March 21, 2016 closing date, a Chief Public Safety Telecommunicator from June 2009 to March 2015, a Supervising Public Safety Telecommunicator from October 2004 to June 2009, a Senior Public Safety Telecommunicator from December 1998 to October 2004, a Public Safety Telecommunicator from December 1996 to December 1998, a Communications Operator from August 1983 to December 1996, a Senior Guard from December 1982 to August 1983, and a Guard from May 1982 to December 1982. Personnel records indicate that he was provisionally serving in the subject title from March 2015 to the March 21, 2016 closing date, a Chief Public Safety Telecommunicator from June 2009 to March 2015, a Supervising Public Safety Telecommunicator from October 2004 to June 2009, a Senior Public Safety Telecommunicator from December 1998 to October 2004, a Public Safety Telecommunicator from December 1996 to

December 1998, a Communication Operator from October 1990 to December 1996, a Police Officer from March 1990 to October 1990, a Communications Operator from August 1983 to March 1990, a Guard from February 1983 to August 1983, a Senior Guard from July 1982 to February 1983, and a Guard from May 1982 to July 1982. He did not indicate that he possesses a Bachelor's degree. Agency Services credited him with 6 years and 10 months of general experience and having met the supervisory experience requirements, but determined that he lacked 2 years and 2¹ months of general experience.

On appeal, Mr. Liwacz presents that while serving as a Supervising Public Safety Telecommunicator, he was performing the duties of a Chief Public Safety Telecommunicator as indicated by Agency Services' February 2, 2010 determination letter which he attaches. He also submits letters from Lieutenant Robert Forrester, Assistant Bureau Chief, Communication Bureau, and Major David Brady, Commanding Officer, Emergency Management Section, on behalf of Colonel Joseph Fuentes, Superintendent, which confirm that the appellant was performing the required duties out-of-title as a Supervising Public Safety Telecommunicator since October 2004 due to the appointing authority's operational needs and the attrition, consolidation, and constriction of positions across State government.

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.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with 6 years and 10 months of experience and having met the supervisory experience requirement, but he lacked 2 years and 2 months of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Supervising Public Safety Telecommunicator would be out-of-title-work. However, Lieutenant Forrester and Major Brady confirmed that he had been performing the required out-of-title duties as a Supervising Public Safety Telecommunicator from October 2004 due to the appointing authority's operational needs and the attrition, consolidation, and constriction of positions across State government. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test.

¹ Agency Services actually erroneously determined that he lacked 2 years and 11 months of general experience.

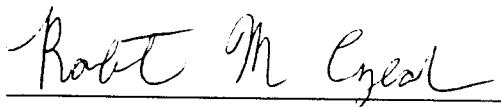
Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, and Robert Liwacz'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 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: Robert Liwacz
Jessica Chianese
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PS2310P

WEIGHT CODE: *

TITLE: MANAGER 2 DEPARTMENT OF LAW AND PUBLIC SAFETY

SALARY: \$73,868.00 - \$107,118.00

ISSUE DATE: March 01, 2016

CLOSING DATE: March 21, 2016

TITLE CODE: 61669/C6RXR8

CLASS CODE: 32

DEPARTMENT: LPP/LAW & PUBLIC SAFETY

UNIT SCOPE: P616 State Police/Office of Emergency Management

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 in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with 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.

Experience: Five (5) years of experience in program management, two (2) years of which shall have been in a supervisory capacity.

Note: A Master's degree in various fields of study relevant to human resources, administration, management, business and commerce, public affairs, accounting and finance, data processing/computer sciences, or related fields denoting program management and concepts may be substituted for one (1) year of indicated non managerial/supervisory 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.

Note: 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.

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 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.

Note: This announcement may be tested via the Management Test Battery (MTB). Under the guidelines of the MTB program, an applicant's score will be retained and applied to subsequent promotional or open competitive announcements for titles tested under this program. For information regarding the Management Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>

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. 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- 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