



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rodolfo Perez,
Maintenance Supervisor (PM0275U),
Jersey City

Examination Appeal

CSC Docket No. 2016-4464

ISSUED: **DEC 23 2016** (RE)

Rodolfo Perez appeals the decision of the Division of Agency Services (DAS) which found that he did not meet the experience requirements for the promotional examination for Maintenance Supervisor (PM0275U), Jersey City.

The subject examination announcement was issued with a closing date of February 22, 2016. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Assistant Maintenance Supervisor, or to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. These requirements were five years of experience in work involving the construction or repair and maintenance of buildings and grounds, two years of which shall have been in a supervisory capacity. The appellant was found to be ineligible based on a lack of experience. Five candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

Mr. Perez listed one position on his application, Head Custodian. As this experience was not accepted, the appellant was found to be lacking five years of applicable experience. On appeal, the appellant argued that he should be eligible since he has 28 years of professional public service in a maintenance supervisory capacity, and has been involved with scheduling repairs and coordinating large projects. He further argues that he has knowledge of repairing buildings based on experience in positions not listed on his application, he has lifelong experience in building repair and construction, and he did that work with his father. He states

that he has 18 years of part-time experience installing alarms, speakers, and systems, which involved cutting beams and walls, running wires, and adding protector plates. He states that in 28 years of public service in a maintenance supervisory capacity, he had fixed leaking toilets and sinks, repaired electrical plugs and door locks, replaced light and outlet covers, scraped and painted walls, boarded windows, built a handicap ramp, removed and replaced window air conditioning units, and maintained school grounds. He states that he maintains boilers, and supervises a large custodial staff. He states that he has knowledge of mechanics as well.

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date.

CONCLUSION

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 appellant did not receive credit for his experience as his description of duties for his position as Head Custodian did not have the announced experience as the primary focus. The amount of time, and the importance of the duty, determines whether it is the primary focus. In addition, an experience requirement that lists a number of duties which define the primary experience requires that the applicants demonstrate that they *primarily* performed *all* those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. A review of the appellant's descriptions of his duties indicates that they did not include construction or repair and maintenance of buildings and grounds.

A review of the duties that the appellant listed indicates that he was primarily performing work related to maintenance of buildings. He described maintaining boilers and basement areas, snow removal, having charge of building access, security and maintenance, plumbing, electrical, carpentry and heating repairs, meeting with mechanics, vendors, and administration, maintenance of supplies, supervisory duties, and inspections. In his initial appeal, he stated that he scheduled repairs. A holistic view of these duties indicates that they are primarily focused on maintenance. Repairs are noted and scheduled for completion, but the appellant did not indicate that he performed those repairs. As a Head Custodian, as the appellant was not involved in the construction of buildings and grounds, he would need experience in the repair *and* maintenance of buildings and grounds, and while he may have been involved in the maintenance of buildings and grounds, he was not involved in their repair. Scheduling repairs is not the same as actually doing them.

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). Pursuant to *N.J.A.C. 4A:4-2.1(f)*, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. *See In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003) and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005). In this case, the primary focus of the appellant's position as Head Custodian does not match the experience requirement, and the remaining positions cannot be considered. The appellant lacks five years of qualifying experience.

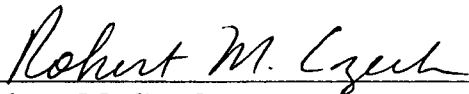
An independent review of all material presented indicates that the decision of the DAS that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this 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 21st DAY OF DECEMBER, 2016



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