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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Roberto Pitocchi,  
Coordinator of Maintenance Services  
(PM0657U), Vineland City School  
District

Examination Appeal

CSC Docket No. 2017-518

ISSUED: DEC 12 2016

(ABR)

Roberto Pitocchi 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 Coordinator of Maintenance Services (PM0657U), Vineland City School District.

The subject examination was announced with a closing date of April 21, 2016, and was open to employees with one year of continuous permanent service in a competitive title who possessed four years of experience involving the construction, repair and maintenance of buildings, including one year in a supervisory capacity. Applicants were also required to possess a Certified Educational Facilities Manager (CEFM) certification from the Rutgers University New Jersey Educational Facility Management Program (Rutgers). It is noted that the appellant was one of two applicants for the subject promotional examination, which was cancelled on August 18, 2016, as both applicants were deemed ineligible.

On his application, the appellant indicated that he served provisionally as a Coordinator of Maintenance Services from September 2012 through the closing date of the subject examination. The appellant stated that his duties included overseeing the daily cleaning, maintenance, and repairs of all facilities; performing inspections in order to evaluate repair requirements; drafting reports addressing facility repair needs, material requirements and cost considerations; and supervising all work performed by support staff and contractors. The appellant also stated that he possessed the required CEFM certification from Rutgers. Agency Services credited the appellant with three years and eight months of applicable

experience, including the required supervisory experience. However, Agency Services found the appellant was ineligible for the subject examination because he lacked an additional four months of applicable experience and he failed to provide a copy of his CEFM.<sup>1</sup>

On appeal to the Civil Service Commission (Commission), the appellant argues that he possesses sufficient applicable experience for the subject examination. Specifically, he claims that he possesses additional experience with the appointing authority dating to July 1986 that was not reflected on his application, including construction and maintenance of buildings in a supervisory capacity since his promotion to the title of Senior Maintenance Repairer, effective December 13, 2004. The appellant submits a copy of a letter from the appointing authority that confirms his promotion to the title of Senior Maintenance Repairer, effective December 13, 2004.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

### CONCLUSION

*N.J.A.C. 4A:1-1.2(c)* provides that the Commission may relax a rule for good cause shown in a particular situation.

*N.J.A.C. 4A:4-2.6(a)* provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. Where a list resulting from an examination is not competitive, and a provisional candidate gained enough additional experience after the closing date to satisfy experience requirement, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him or her to the examination. *See, e.g., In the Matter of Anthony Gowers* (MSB, decided September 6, 2006); *In the Matter of Patricia Mulford* (MSB, decided August 11, 2004).

Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked the requisite amount of creditable experience as of the April 21, 2016 closing date. However, a review of the record indicates that the appellant was provisionally appointed to the subject title in September 2012 and continues to serve provisionally in that that title. The appellant now has enough applicable experience based on this service. Additionally, the record indicates that the examination situation is not competitive, since the subject examination was cancelled. Under these circumstances, good cause exists to

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<sup>1</sup> Although the appellant has not provided a copy of his CEFM as required, his name appears on the Department of Education's "CEFM Name ID List" on its website, indicating that his CEFM expires on April 22, 2018.

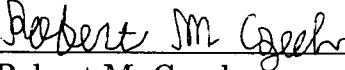
relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

**ORDER**

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 7<sup>TH</sup> DAY OF DECEMBER, 2016

  
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