

B-21



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Patrick Farrell, Sr.  
and Raul Robles, Senior Custodian  
(PM1491S), Jersey City School  
District

Examination Appeals

CSC Docket Nos. 2015-2820 and  
2015-2809

ISSUED: JUL 16 2015 (SLK)

Patrick Farrell, Sr. and Raul Robles appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Senior Custodian (PM1491S), Jersey City School District. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the November 21, 2014 closing date (see attached). A total of 15 employees applied for the subject examination and two were deemed eligible. Certification PL150618 was issued containing the names of the two eligibles. The disposition of the certification is due September 1, 2015 and the eligible list expires on April 1, 2018.

Mr. Farrell indicated on his application that he was a Boiler Operator from June 2005 to the November 21, 2014 closing date. Personnel records indicate that he was a Boiler Operator from August 2011 to the November 21, 2014 closing date and a Custodial Worker from June 2006 to August 2011. Agency Services credited the appellant with having met the general experience requirement based on his experience as a Boiler Operator, but determined that he lacked one year of supervisory experience.

Mr. Robles indicated on his application that he was a Boiler Operator from April 2009 to November 2014. Personnel records indicate that he was provisionally appointed to the subject title on the November 21, 2014 closing date, a Boiler

Operator from April 2009 to the November 21, 2014 closing date, and a Custodial Worker from March 2002 to April 2009. Agency Services credited the appellant with having met the general experience requirement based on his experience as a Boiler Operator and one month of supervisory experience based on his provisional service in the subject title, but determined that he lacked 11 months of supervisory experience.

On appeal, Mr. Farrell amends his application and presents that he was a Senior Principal Custodian at the Glenn Cunningham School for six months, a Principal Custodian at Infinity High School, and that for the last five years he has been a licensed Boiler Operator at Infinity High School. As such, the appellant argues that he meets the requirements for the subject examination.

Mr. Robles asserts that in addition to meeting the general experience requirement, as a Boiler Operator for over five years, he supervised custodial staff.

### 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(d) provides that, except when permitted by the Civil Service Commission (Commission) 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.

*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 appellants were not eligible for the subject examination as neither appellant demonstrated that they had the required supervisory experience. Any relevant supervisory experience that the appellants gained as Boiler Operators would be out-of-title-work. The appellants have not provided any documentation from the appointing authority that they were assigned out-of-title duties. Further, in reference to Mr. Farrell, under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. *See In*

*the Matter of Diana Begley* (MSB, decided November 17, 2004). As such, the Commission cannot consider his experience as a Senior Principal Custodian and a Principal Custodian as these positions were not listed on his original application. It is also noted that even if the Commission were to consider these positions, personnel records do not indicate that Mr. Farrell served in these titles.

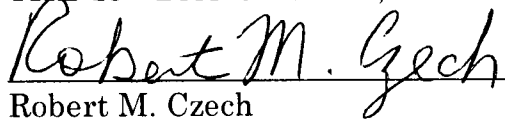
Therefore, there is no basis to disturb the decisions of Agency Services. Accordingly, the appellants have not met their burdens of proof in these matters.

ORDER

Therefore, it is ordered that these appeals 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 15<sup>th</sup> DAY OF JULY, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
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P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Patrick Farrell, Sr.  
Raul Robles  
Rita Salley  
Kelly Glenn  
Joseph Gambino

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



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

SYMBOL: <b>PM1491S</b>	WEIGHT CODE: *
TITLE: <b>SENIOR CUSTODIAN</b>	SALARY: <b>\$37,305.38 - \$48,480.23</b>
ISSUE DATE: <b>November 01, 2014</b>	CLOSING DATE: <b>November 21, 2014</b>
TITLE CODE: <b>03290/ KFRJR2</b>	JURISDICTION CODE: <b>N09060600</b>
JURISDICTION: <b>JERSEY CITY</b>	
DEPARTMENT: <b>SCHOOL DISTRICT</b>	

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**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):**

**Custodian 01455**

**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:**

Experience: Two (2) years of experience in work involving the heating, inspection, cleaning, and maintenance of furniture, fixtures, offices, buildings, and in the reconditioning, care, and maintenance of grounds, one (1) year of which shall have been in a supervisory capacity.

Note: 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. **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@esc.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