

B-30



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Michael Pepenella,
Assistant Engineer-In-Charge of
Maintenance 1 (PS9508I), East
Jersey State Prison

Examination Appeal

CSC Docket No. 2015-2863

ISSUED: JUL 16 2015 (SLK)

Michael Pepenella 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 Assistant Engineer-In-Charge of Maintenance 1 (PS9508I), East Jersey State Prison.

The examination at issue was announced with specific requirements that had to be met as of the December 22, 2014 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On his application, Mr. Pepenella indicated that he was provisionally serving in the subject title from June 2014 to the December 22, 2014 closing date, a Crew Supervisor, Electricians from January 1997 to July 2014, and a Plant Electrician/Mechanic from July 1990 to January 1997 for Fisher Scientific. Agency Services credited the appellant with seven months of experience, but determined that he lacked three years and five months of the required experience.

On appeal, Mr. Pepenella states that during his over 17 years in State service, he has not only supervised electricians, but has also supervised other maintenance employees due to the appointing authority's needs and limited staff. Additionally, the appointing authority submits a letter from John Kocserha, Engineer-In-Charge of Maintenance 1, which confirms that, since 1997, the appellant has supervised both electricians and other maintenance personnel due to

its limited staff and the need to have him supervise many types of maintenance issues that occur at East Jersey State Prison.

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.

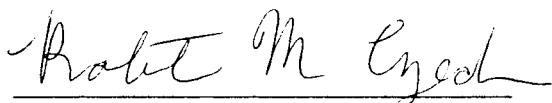
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. Mr. Pepenella was credited with having seven months of experience based on his provisional service in the subject title, but he lacked the required relevant experience to establish eligibility. Any relevant experience the appellant gained as a Crew Supervisor, Electricians would be out-of-title-work. However, Mr. Kocserha has verified that Mr. Pepenella performed the required out-of-title duties since 1997 due to the appointing authority's business necessity. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. 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, the cancellation of the examination be rescinded and Michael Pepenella'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 15th 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
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Michael Pepenella
Elizabeth Whitlock
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PS95081

WEIGHT CODE: *

TITLE: ASSISTANT ENGINEER IN CHARGE MAINTENANCE I

SALARY: \$61,784.00 - \$87,820.00

ISSUE DATE: December 01, 2014

CLOSING DATE: December 22, 2014

TITLE CODE: 42425/L4R XR2

CLASS CODE: 24

DEPARTMENT: COIR/CORRECTIONS

UNIT SCOPE: I340 East Jersey State Prison (Rahway)

**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 in any competitive title and meet the requirements listed below:

Experience: Four (4) years of supervisory experience in charge of the operation and maintenance of utilities and maintenance programs of an institution, college or similar multi-building complex.

Note: A Bachelor's degree in Engineering may be substituted for two (2) years of the required experience. You must specify the type of degree you have 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: A valid Professional Engineer's License issued by the New Jersey State Board of Professional Engineers and Land Surveyors may be substituted for two (2) years of the required experience. If you have the required license, you must indicate this on your application; proof of the license must be submitted with your application. Failure to do so will result in rejection from the examination process.

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, including assignment to the department and unit scope, must be met as of the closing date.
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- 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