



STATE OF NEW JERSEY

In the Matter of Jeffrey Adams,
Construction Management Specialist
4 (PS1552G), Department of
Environmental Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

CSC Docket No. 2016-3246

NOV 10 2016

ISSUED: (WR)

Jeffrey Adams appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the promotional examination for Construction Management Specialist 4 (PS1552G), Department of Environmental Protection.

The subject examination was announced with a closing date of October 21, 2015 and was open to applicants who possessed a Bachelor's degree and two years of experience in the field of architecture, engineering, project management, construction contract management, financial contract management, facilities management, construction quality assurance or related area involving complex building projects. Applicants who did not possess the required education could substitute additional experience on a year for year basis. It is noted that only one applicant was found eligible for the examination. The resultant eligible list promulgated on March 10, 2016 and expires on March 09, 2019. To date, a certification has not been issued.

On his application, the appellant indicated that he did not possess a Bachelor's degree. Therefore, pursuant to the substitution clause, he needed to possess six years of the indicated experience. He also indicated, in pertinent part, that he had worked as a Parks Maintenance Supervisor 2 from October 2013 through the closing date; as a Park Maintenance Specialist 1 from March 2008 to October 2013; and as a Park Maintenance Specialist 2 from January 2005 to March 2008.¹ For his experience as a Park Maintenance Supervisor 2, Agency Services

¹ Agency records reveal that the appellant served in the titles of Parks Maintenance Supervisor 2 from February 25, 2012 through the closing date; Parks Maintenance Specialist 1 from October 11,

credited the appellant with three years and nine months of experience. Regarding his experience as a Park Maintenance Specialist 1 from November 2011 to February 2012, it determined that while the duties the appellant indicated were relevant, they constituted out-of-title work. It also determined that none of his other listed experience was relevant. As a result, Agency Services determined that the appellant lacked two years and three months of experience and therefore, did not meet the announced requirements.

On appeal, the appellant initially contends that he was appointed as a Parks Maintenance Supervisor 2, effective February 2012. In support of his appeal, the appellant submits a letter from his supervisor, Thomas Keck, a Regional Superintendent of Parks, who verifies that as a Parks Maintenance Specialist 1, from October 2008 to February 2012, the appellant performed relevant out-of-title duties on a daily basis and that those duties comprised approximately 70 percent of a normal work day. He further states that the appellant performed these duties due to the loss of full time positions throughout the park system and the reassignment of 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(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 eligibility requirements or for credit in the examination process.

Initially, it is noted that Agency Services correctly credited the appellant with three years and nine months for his service in the title of Parks Maintenance Supervisor 2. Nevertheless, Agency Services determined that, per the substitution clause, the appellant lacked two years and three months of the aforementioned experience needed for the subject examination. In this regard, Agency Services noted that although the appellant performed relevant duties as a Parks Maintenance Specialist 1, the performance of those duties constituted out-of-title work, and thus were not credible for eligibility purposes. The appellant indicated on appeal, and his supervisor verified, that he performed relevant duties from October 2008 to February 2012. Accepting his supervisor's verification that the appellant performed the appropriate duties as of the closing date for the subject promotional examination, the appellant possessed, per the substitution clause, the required six years of applicable experience. However, all but three years and nine months of this experience constitutes out-of-title work. In this case, the appellant submits a letter from his supervisor which, in relevant part, provides a detailed

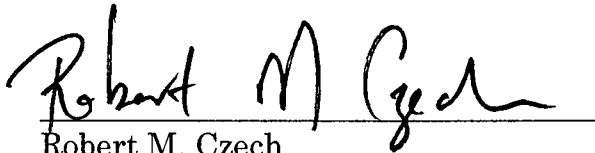
description of the applicable out-of-title experience he has gained while employed from October 2008 to February 2012. Moreover, this is not a competitive situation, as there is only one name on the eligible list. Accordingly, good cause exists to accept the appellant's out-of-title work experience and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and Jeffrey Adams'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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals
and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

c: Jeffrey Adams
Deni Gaskill
Kelly Glenn
Records Center

