



In the Matter of Omar Brown, Senior  
Custodian (M0966T), Newark  
  
CSC Docket No. 2016-4138

STATE OF NEW JERSEY  
  
FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION  
  
Examination Appeal

ISSUED: DEC 14 2016 (BS)

Omar Brown appeals the determination of the Division of Agency Services (DAS) which found that he did not meet the requirements for the examination for Senior Custodian (M0966T), Newark.

The examination at issue was announced with experience requirements which had to be met as of the announced December 22, 2015 closing date. Specifically, all applicants had to possess two 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 year of which shall have been in a supervisory capacity. Records indicate that 27 applicants satisfied the experience requirement and that a list containing the names of 21 qualified candidates who passed the examination promulgated on June 2, 2016.

The appellant filed an application on which he indicated that he possessed experience as a provisional Senior Custodian (7/11 to the closing date). This is the only position listed on the appellant's application. Civil service records indicate that the appellant was actually appointed as a provisional Senior Custodian with an effective date of July 18, 2015. Accordingly, DAS concluded that the appellant only possessed five months of applicable experience as a provisional Senior Custodian as of the closing date. Since the appellant failed to list any titles/positions held or duties performed prior to July 2015, his prior experience could not be evaluated. As a result, DAS found the appellant ineligible for the subject examination.

On appeal, the appellant asserts that he satisfies the subject requirements. Nafisah Hunter, Manager, Non-Instructional Staffing, Newark Public Schools, submits a letter on the appellant's behalf indicating that he had been performing appropriate supervisory duties while serving as a per diem Custodian prior to his provisional appointment, commencing in July 2011, and that this experience should qualify him for the subject examination.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that prior to the announced application closing date, an applicant may amend a previously submitted application. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant only possessed five months of applicable experience as a provisional Senior Custodian. Although in the letter submitted on his behalf, Nafisah Hunter, Manager, Non-Instructional Staffing, indicated that the appellant "[s]upervised and took the lead in the maintenance and care of buildings and grounds," she provided no specific time frame for these responsibilities. Further, there is no indication that the appellant actually supervised subordinate personnel and was responsible for their performance evaluations, a crucial component of supervisory responsibility as defined by the Civil Service Commission. Additionally, since the appellant failed to list or describe his experience as a per diem Custodian on his original application, it cannot be evaluated at this time per *N.J.A.C.* 4A:4-2.1(f). Moreover, the Commission notes that, as 27 other applicants were able to demonstrate on their applications that they satisfied the subject requirements, there is no basis to relax the above provision. In view of the above, the Commission cannot grant this appeal.

### 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 7TH DAY OF DECEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
And  
Correspondence:

Nicholas F. Angiulo  
Assistant Director  
Division of Appeals  
and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Omar Brown  
Nafisah Hunter  
Kelly Glenn  
Records Center

