



STATE OF NEW JERSEY

In the Matter of Stuart G. Friedman,
Section Chief, Environmental
Protection (PS0451G), Department of
Environmental Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1267

Examination Appeal

ISSUED: DEC 12 2016 (JET)

Stuart G. Friedman appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Section Chief, Environmental Protection (PS0451G), Department of Environmental Protection.

The examination at issue was announced with specific requirements which had to be met as of the April 21, 2015 closing date. The requirements were possession of a Bachelor's degree in a specified science area listed in the announcement, and five years of experience in the investigation, inspection or enforcement of technical, scientific or engineering environmental activities, or five years of project management experience in the design, planning, coordination, monitoring and completion of environmental projects, two years of either experience must have been in a supervisory capacity. Six applicants applied for the subject examination that resulted in a list of five eligibles with an expiration date of September 9, 2018. Two appointments have been made from the list from the October 2, 2015 (PS151506) certification which had a disposition due date of November 4, 2015.

A review of the appellant's application reveals that he possesses a Bachelor's degree in Chemical Engineering. Agency Services credited the appellant for his education. Further, the appellant listed on his application that he served as an Administrative Analyst 1, Data Processing, from January 2009 to April 2015, as a Principal Environmental Specialist/Hazardous Site Mitigation Specialist (HSMS) 2

from February 2007 to December 2008, as a HSMS 2 from July 2000 to January 2007, and as a HSMS 3/4 from April 1993 to June 2000. Official personnel records indicate that the appellant served as a Principal Environmental Specialist from February 2008 to December 2008, as a HSMS 2 from July 2000 to February 2008, as a HSMS 3 from March 1996 to July 2000, and as an HSMS 4 from April 1994 to March 1996. Agency Services credited the appellant with seven years and three months of applicable general experience for his work as a HSMS 3, but it could not credit him with any applicable supervisory experience. Agency Services did not find any of the appellant's other experience applicable. Accordingly, Agency Services determined that the appellant lacked two years of applicable supervisory experience.

On appeal, the appellant argues, among other things, that he was assigned to work in the Site Remediation Program which is responsible for the investigation, inspection and enforcement of technical, scientific or engineering environmental activities. The appellant asserts that, while serving as an HSMS 2 from July 2000 to December 2008, he was assigned to supervise the Underground Storage Tank (UST) Registration and Billing Unit. He explains that his duties included overseeing and preparing reports; identifying problems; issuing violation and no further action notices; reviewing technical problems; participating in field enforcement and administrative tasks; ensuring compliance with rules and laws; completing the analysis of incoming applications; issuing UST permits and certificates; planning environmental and technical aspects of the program; providing technical advice; interpreting applicable rules; participating in meetings; representing the UST Compliance & Enforcement program; researching legislation; settling conflicts; assisting with the program's budget; monitoring revenue; establishing billing; upgrading the NJEMS and eNJEMS programs; maintaining files, records, and data; and completing employee evaluations. Additionally, the appellant states that he worked on special projects involving Child Care/Educational Facilities and associated receptor evaluations. Moreover, the appellant avers that he did not complete employee evaluations from July 2000 to July 2004. However, the appellant asserts that he possesses sufficient supervisory experience to qualify for the examination as he completed employee evaluations from January 2005 to December 2008.

In support, the appellant provides a letter from his Rafael Rivera, a former Section Chief. Rivera confirms that he served as the appellant's supervisor and that he performed supervisory duties from January 2005 to February 2008.

It is noted that the appointing authority confirmed in a prior matter that the appellant performed the duties of an Administrative Analyst 1, Data Processing, from July 2005, to the date he was appointed provisionally to that title, January 2009. See *In the Matter of Stuart Friedman, Administrative Analyst 1, Data Processing (PS8407G)*, Department of Environmental Protection (CSC, decided

November 22, 2011). Additionally, in a classification determination issued on May 18, 2010 by the former Division of State and Local Government Operations (SLO),¹ it was determined that the appellant was performing the duties of an Administrative Analyst 1, Data Processing. The determination confirmed that he performed supervisory duties for two employees serving as a Principal Technician, Management Information Systems, and an employee serving as a Customer Service Representative 2.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the announcement by the closing date.

Agency Services correctly determined that the appellant was ineligible for the subject examination. In this regard, Agency Services correctly credited the appellant with seven years and three months of applicable general experience for his work as an HSMS 3. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. See *In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Although the appellant argues that he performed supervisory duties from January 2005 to December 2008, the May 18, 2010 classification determination confirms that such duties were in the capacity of an Administrative Analyst 1, Data Processing. Therefore, his supervisory experience from January 2005 to December 2008 did not include the supervision, investigation, inspection or enforcement of technical, scientific or engineering environmental activities, or project management experience in the design, planning, coordination, monitoring and completion of environmental projects. As such, the appellant's experience is not applicable to satisfy the supervisory duties required to establish eligibility for the title under test.

Accordingly, the appellant has not presented good cause to accept his out-of-title experience and Agency Services' finding of ineligibility is amply supported in the record.

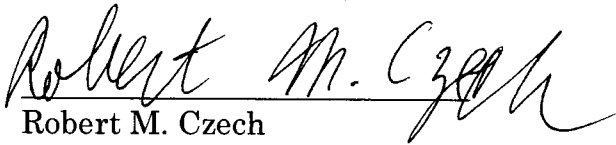
ORDER

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.

¹ Now the Division of Agency Services.

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
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Civil Service Commission
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Attachment

c: Stuart G. Friedman
Deni Gaskill
Kelly Glenn

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE RI
 Make Check/Money Order Payable

SYMBOL: **PS0451G**

WEIGHT CODE: *

TITLE: **SECTION CHIEF ENVIRONMENTAL PROTECTION**

SALARY: **\$77,767.00 - \$110,970**

ISSUE DATE: **April 01, 2015**

CLOSING DATE: **April 21, 2015**

TITLE CODE: **59985/P6RXR9**

CLASS CODE: **30**

DEPARTMENT: **EPA/ENVIRONMENTAL PROTECTION**

UNIT SCOPE: **G894 Division of Enforcement, Technical and Financial Support**

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

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:

Education: A Bachelor's degree in one of the physical, environmental, chemical or biological sciences, geography or environmental planning, or civil, chemical, environmental, mechanical, sanitary, agricultural, mining, industrial or bio-resource engineering. You indicate the details of your degree 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.

Experience: Five (5) years of experience in the investigation, inspection or enforcement of technical, scientific or engineering environmental activities, or, five (5) years of project management experience in the design, planning, coordination, monitoring and completion of environmental projects.

Two (2) years of either experience must have been in a supervisory capacity, and included responsibility for conducting employee performance evaluations.

Note: A Master's degree in any of the disciplines outlined above may be substituted for one (1) year of the non-supervisory experience indicated. (This is inclusive to the Master's degree and not in addition to.)

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 Board of Professional Engineers and Land Surveyors may be substituted for the Bachelor's degree in Engineering. If you have the license, you must indicate this on your application, failure to do so will result in rejection from the examination process. Proof of the license must be submitted to the employing agency prior to appointment.

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 required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority

Note: This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.htm>

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. If you do not 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 or 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 DMVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMVA 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.**

