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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Irving Lozada,
Executive Assistant (M0142U), Perth
Amboy

Examination Appeal

CSC Docket No. 2017-499

ISSUED: DEC 13 2016 (RE)

Irving Lozada appeals the decision of the Division of Agency Services (DAS) which found that, per the substitution clause for education, he did not meet the experience requirements for the open-competitive examination for Executive Assistant (M0142U), Perth Amboy.

The subject examination had a closing date of March 14, 2016 and was open to residents of Perth Amboy who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and three years of experience in program management with responsibility for planning, organizing, coordinating, staffing, reporting, and budgeting, or in assisting an executive with program development and implementation. Applicants who did not possess the required education could substitute experience on a year for year basis. Mr. Lozada was found to be ineligible based on a lack of experience per the substitution clause for education. As there were no admitted candidates, the examination was cancelled on August 5, 2016.

The appellant did not properly fill out his application, but submitted a resume. This resume indicated that he went to college, but he did not list any college credits, so he was required to possess seven years of qualifying experience. He was credited with three years, two months of experience in his provisional position and as a Confidential Aide to the Mayor, and was found to be lacking three years, ten months of applicable experience. His experience as an owner of a Taco Loco Restaurant, Agent/Promotor of an entertainment organization, in "flight

operations” with Continental Airlines, and as Head Supervisor in the loss prevention department of a private firm was not applicable. These positions do not have the announced experience requirement as the primary focus.

On appeal, the appellant stated that he accrued applicable experience in his provisional appointment, and as a business owner and Executive Producer of an entertainment business.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

CONCLUSION

The appellant received credit for his experience as a Confidential Aide to the Mayor. Nonetheless, qualifying experience must have as its *primary focus* the duties and responsibilities required for the title under test. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The amount of time, and the importance of the duty, determines if it is the primary focus. The appellant’s positions as an owner of a Taco Loco Restaurant, Agent/Promotor of an entertainment organization, in “flight operations” with Continental Airlines, and as Head Supervisor in the loss prevention department of a private firm do not match the announced experience requirement, do not have the announced experience requirement as the primary focus, and/or do not rise to the level and scope of the announced experience requirement. Thus, per the substitution clause for education, the appellant lacks three years, ten months of applicable experience.


An independent review of all material presented indicates that the decision of DAS that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

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


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