



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Ferdinand Conti,
Building Management Services
Specialist 1 (PS1008H), Department
of Health

Examination Appeal

CSC Docket No. 2021-445

ISSUED: DECEMBER 21, 2020 (RE)

Ferdinand Conti appeals the decision of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Building Management Services Specialist 1 (PS1008H), Department of Health.

The subject examination had a closing date of December 23, 2019 and was open, in pertinent part, to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and four years of experience in the coordination and/or implementation of building management programs including building/property operations analysis, program development, organizational and fiscal planning, and cost efficiency programs, special building service programs or a related field, one year of which shall have included supervisory responsibilities. Applicants who did not possess the required education could substitute experience on a year for year basis. A Master's degree in Public Administration, Business Administration or closely related field may be substituted for one year of the nonsupervisory experience. The appellant 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 October 11, 2020.

The appellant indicated on his application that he possessed 58 college credits, which prorates to one year, 11 months of experience. As such, he was

required to possess six years, one month of qualifying experience, which shall have included one year of supervisory experience. The appellant listed one position on his application, provisional Building Management Services Specialist 1, and the jobs duties that he listed for the position were copied from the Examples of Work section of the job specification for the title. The appellant also provided a resume with an additional position as an Occupational Safety Consultant 1. As copying a job specification is not acceptable, the appellant did not receive any credit for his one year, six months as a provisional in the subject title. His other position as an Occupational Safety Consultant 1 had, as its primary focus, occupational safety. As such, the appellant was found to be lacking six years, one month of applicable experience.

On appeal, the appellant states that he remains in his provisional position, and has had supervisory duties for over 38 years. He provides an additional position as Facilities Manager/Chief of Security with Saint Lawrence Rehabilitation Center from 1985 to March 2005. The appellant does not provide any duties for that position. Further, he adds additional duties he performed at Trenton Psychiatric Hospital, although he does not indicate which title he was then when he performed those duties, and he resubmits his resume.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f), states that any supplemental information received after the closing date cannot be considered.

A review of the appellant's descriptions of duties in his positions indicates that he does not possess the required amount of applicable experience. 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). The amount of time, and the importance of the duty, determines if it is the primary focus. The appellant's position as an Occupational Safety Consultant 1 does not match the announced experience requirement, nor does it have the announced experience requirement as the primary focus. Rather, the duties performed were in-title for an Occupational Safety Consultant 1. Next, any positions described on appeal cannot be considered. Even so, the appellant did not provide all requisite information for those positions, such as separate duties for each title, full- or part-time hours, or supervisory information. As such, his positions as Facilities Manager/Chief of Security cannot be considered.

As to his provisional position, it is noted that the application is utilized to screen the candidate pool to ensure that all applicants, including provisional

appointees, meet the minimum experience requirements for each position. Those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine their relative merit and fitness. The appellant copied his duties directly from the job specifications for his provisional position. Simply quoting the duties contained in the job specification on an application is not a sufficient basis on which to determine if a candidate's *specific* duties would meet the requirements for an examination. Candidates must demonstrate that the duties they perform qualify them for admission to the examination. *See In the Matter of Maxsine Allen and Vivian Stevenson* (MSB, decided March 10, 2004). Additionally, the appellant does not indicate in his appeal that the supplemental duties provided were those of his provisional position. Essentially, the duties of his provisional position could not be qualified based on the information he provided. Even if his provisional experience was found to be qualifying, the appellant possesses only one year, six months in this title, and would still lack four years and seven months of applicable experience.

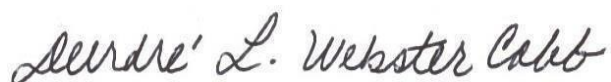
An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant 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 16TH DAY OF DECEMBER 2020



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