



STATE OF NEW JERSEY

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

In the Matter of Timothy Vanselous,
Building Management Services
Specialist 4 (PS3689N), Department
of Labor and Workforce Development

Examination Appeal

CSC Docket No. 2022-9

ISSUED: MARCH 4, 2022 (RE)

Timothy Vanselous appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Building Management Services Specialist 4 (PS3689N), Department of Labor and Workforce Development.

The subject examination announcement was issued with a closing date of July 21, 2020, and was open to employees in the competitive division who were serving in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in the coordination and/or implementation of building management programs including building/property operations analysis, program development, organizational and/or fiscal planning, and/or cost efficiency programs, special building service programs, security, or a related field. The appellant was found to be below minimum requirements in experience per the substitution clause for education. One candidate appears on the eligible list, which has not yet been certified.

The appellant indicated on his application that he possessed 15 college credits, which prorates to six months of experience. As such, he was required to possess four years, six months of qualifying experience. The appellant listed seven positions on his application, provisional Building Management Services Specialist 4; Senior Repairer; Repairer; Senior Postal Clerk; Postal Clerk; Support Services (Laborer); and Kitchen Manager. He was credited with seven months of applicable experience in his provisional position, and one year, two months of experience in the

position Support Services. As such, he was found to be lacking two years, nine months of qualifying experience.

On appeal, the appellant states that his experience as a Kitchen Manager, Support Services, Senior Repairer and Repairer should be accepted.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

At the outset, 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 received credit for his experience as Support Services. As a Kitchen Manager for a private restaurant, the appellant supervised staff in a kitchen. Although he was concerned with fire, health and safety codes, and helped develop fiscal plans, this was not the primary focus of the position, but were ancillary tasks to managing the kitchen.

As to his Repairer position, the appellant indicated his duties as the installation and upkeep of systems furniture, inter-office transfers, and logistics, and building upkeep. As a Senior Repairer, the appellant indicated that he coordinated office moves, created floor plans, installed systems furniture, instructed other Repairers, provided advice to management on building issues and mitigating problems, and supervised building evacuations. This experience has some aspects of the announced requirement; however, those aspects would be out of title for a Senior Repairer. A Senior Repairer performs the basic maintenance, repair or mechanical adjustment work involved in varied types of buildings, building facilities, building utilities and/or furniture, and takes the lead over lower level repairers and helpers. These duties are not at the level and scope of the requirements. On appeal, the appellant does not provide a separate set of duties for this position as he did on his application. Rather, he combines his Senior Repairer and Repairer positions by defining his duties by a time frame. Thus, it cannot be determined which duties belong to which position. In any event, even if his experience as a Senior Repairer were accepted as out-of-title work, the appellant would still not meet the minimum requirements. The appellant was a Senior Repairer for one year, eight months, and he required two years, nine months by the July 2020 closing date. This position is therefore, inapplicable. The additional

information supplied on appeal does not support that the appellant meets the announced requirements.

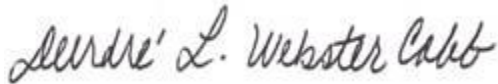
An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant 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 2ND DAY OF MARCH, 2022



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