

B-36



STATE OF NEW JERSEY

In the Matter of Ray Bukowski,
Management Improvement Specialist
1 (PS6820G), Department of
Environmental Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

CSC Docket No. 2014-3164

OCT 24 2014

ISSUED: (WR)

Ray Bukowski appeals the determination of the Division of Selection Services (Selection Services) which found that he was below the minimum requirements in experience for the promotional examination for Management Improvement Specialist 1 (PS6820G), Department of Environmental Protection.

The subject examination was announced with a closing date of January 21, 2014 and was open to applicants who possessed a Bachelor's degree and five years of professional administrative experience with a minimum of two years in at least two of the following fields: solving problems involving organizational or efficiency issues; the design of management information and control systems; the conduct of efficiency studies. The record indicates that the eligible list was cancelled as the appellant, the only applicant, was found ineligible.

On his application, the appellant indicated that he had worked in the subject title from May 2010 through the closing date; as a Region Supervisor from February 2008 to May 2010; and as a Principal Environmental Scientist from September 2001 to February 2008. He also indicated that he had worked as a licensed captain from 2002 through the closing date and as a "Captain, Co-Founder and Business Manager" from March 2007 through the closing date. Selection Services credited the appellant with three years and seven months of experience for his service in the subject title, but did not credit his experience in the other titles. In particular, it found that professional administrative experience was not the primary focus of his duties as a captain and as a "Captain, Co-Founder and Business Manager," and that he may have been performing out-of-title duties as a Principal Environmental Specialist from November 2000 to September 2001 and February 2000 to November 2000.

On appeal, the appellant, in relevant part, contends that his experience as a Principal Environmental Specialist from February 2000 to September 2001 satisfies the experience requirement. In particular, he states that from November 2000 to September 2001 he assisted in the development and design of the New Jersey Environmental Management System (NJEMS). In support, he submits a letter from Catherine Tormey, his then supervisor, who verifies that the appellant performed duties relevant to the experience requirement. He further argues that from February to November 2000 he coordinated various programs and field offices and submits a letter from Marlene Dooley, the former Assistant Commissioner for Compliance and Enforcement and former Deputy Commissioner, who states that the appellant solved organizational problems, assisted in the design of the NJEMS, and studied, recommended, and implemented ways to improve efficiency and consistency for a program.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C. 4A:4-2.6(c)* provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy eligibility requirements or for credit in the examination process.

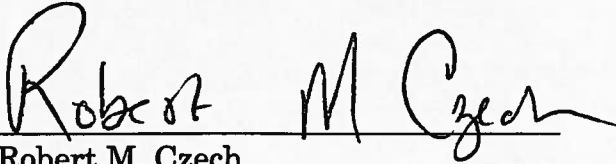
Selection Services determined that the appellant lacked one year and five months of the aforementioned experience needed for the subject examination. However, the appellant, supported by Ms. Tormey and Ms. Dooley, indicated in his appeal that he performed relevant duties from February 2000 to September 2001. Accepting Ms. Tormey and Ms. Dooley's verifications that the appellant performed the appropriate duties as of the closing date for the subject promotional examination, the appellant possessed the required five years of applicable experience. However, all but three years and seven months of the appellant's experience he accumulated before his provisional appointment in the subject title constitutes out-of-title work. In this case, the appellant provides, in relevant part, a detailed description of the applicable out-of-title experience he gained while employed as a Principal Environmental Specialist. Additionally, the subject eligible list was cancelled, as the appellant was the only applicant. Moreover, the appellant continues to serve provisionally in the subject title. Accordingly, good cause exists to accept the appellant's out-of-title work experience and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and Ray Bukowski's application be processed for prospective appointment only.

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 22nd DAY OF OCTOBER, 2014**



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