

B-35



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of James Duncan, III,
Building Services Coordinator 3
(PS1426K), Department of Children
and Families

Examination Appeal

CSC Docket No. 2015-834

ISSUED: DEC 08 2014 (SLK)

James Duncan, III appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the experience requirements for the promotional examination for Building Services Coordinator 3 (PS1426K), Department of Children and Families.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2014 closing date (see attached). Two individuals applied for the subject examination which resulted in both applicants being determined to be ineligible. Consequently, the subject examination was cancelled due to a lack of qualified applicants.

On his application, Mr. Duncan indicated that he was provisionally serving in the title under test from April 2014 to the June 21, 2014 closing date. Personnel records indicate that the appellant was serving provisionally in the subject title from April 2014 to the June 21, 2014 closing date, was a Motor Vehicle Operator 1 from June 2007 to April 2014, and a Repairer from October 2004 to June 2007. Selection Services credited Mr. Duncan with three months of experience based on his provisional experience in the subject title, but there was no other experience listed on his application. Consequently, it determined that he lacked one year and nine months of experience.

On appeal, the appellant provides additional information regarding positions not listed on his application which indicates that he performed the required duties to establish eligibility for the title under test as a Motor Vehicle Operator 1 from

June 2007 to April 2014. In this regard, Mr. Duncan explains that he had an issue when submitting his on-line application. The appellant presents that there seemed to be a delay with the information that he entered appearing on his on-line application and when he downloaded his resume, everything disappeared. The appellant states that he was unsure if he did something incorrectly as he could not get back to his application, but assumed that the information went through. As such, Mr. Duncan explains that this may be the reason that only one position is listed on his application. In support of his appeal, Rob Butcavage, Director, Office of Facilities and Support Services, verifies that the appellant has performed the duties that he lists on his resume since July 2007 and states that the appellant is qualified for the subject examination.

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:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to 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 with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellant was not eligible for the subject examination as he only listed his provisional experience on his application and did not list any of his other experience with the appointing authority. On appeal, Mr. Duncan indicates that since June 2007, first as a Motor Vehicle Operator 1, and now serving provisionally in the subject title, he has performed the required property maintenance duties. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Selection Services can make the initial determination whether to admit or reject an applicant. Selection Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes several circumstances present that provide good cause to permit the appellant to amend his application in this particular matter and to accept his work experience as a Motor Vehicle Operator 1. In this regard, while that experience was obtained out-of-title, the Commission is satisfied that Mr. Duncan's experience providing property maintenance as far back as July 2008 warrants his admission to the subject examination. Additionally, the

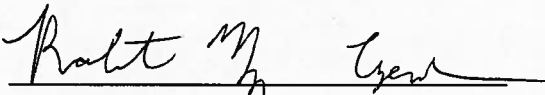
examination was cancelled due to a lack of qualified candidates and the appellant continues to serve provisionally in the subject title. Although Mr. Duncan performed out-of-title duties as a Motor Vehicle Operator 1, the Director of the Office of Facilities and Support Services has confirmed that he has performed the required duties since July 2008. Accordingly, good cause is established to relax the provisions of *N.J.A.C. 4A:4-2.1(f)*, and to accept his out-of-title work experience for eligibility purposes only, and admit Mr. Duncan to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation be rescinded, and Mr. Duncan's application be processed for prospective employment opportunities 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 3rd DAY OF DECEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: James Duncan, III
Linda Dobron
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PS1426K	WEIGHT CODE: *
TITLE: BUILDING SERVICES COORDINATOR 3	SALARY: \$40,521.00 - \$57,009.00
ISSUE DATE: June 01, 2014	CLOSING DATE: June 21, 2014
TITLE CODE: 40206/F3RXR2	CLASS CODE: 15
DEPARTMENT: CFA/CHILDREN AND FAMILIES	
UNIT SCOPE: CF55 Facilities	

APPLICATIONS MAY BE OBTAINED FROM AND MUST BE RETURNED TO:	ONLY ON LINE APPLICATIONS WILL BE ACCEPTED FOR THIS ANNOUNCEMENT
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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:

Experience: Two (2) years of experience in property maintenance, including scheduling, coordinating and expediting alteration, renovation and repair work.

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

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. Failure to 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 and 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 the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.) or your claim is approved by DMAVA 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.**

DPF-256A * Revised 03/09