

B-51



In the Matter of Christopher Birardi,  
Assistant Chief Investigator, Secured  
Facilities (PS8604I), Department of  
Corrections

STATE OF NEW JERSEY  
FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-1701

Examination Appeal

ISSUED: AUG 01 2014 (CAG)

Christopher Birardi 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 Assistant Chief Investigator, Secured Facilities (PS8604I), Department of Corrections.

The subject examination was announced with specific requirements to be met as of the closing date of July 22, 2013 (see attached). The record indicates that there were 11 applicants for the subject examination with eight eligibles on the employment roster. The record also indicates that one certification was issued and is still outstanding.

On his application, Mr. Birardi listed his education as possession of a Master's degree in Education Leadership and Curriculum, Master's degree in Human Resources and Training Development for Police, Bachelor's degree in Public Administration, Budgeting, Special Matters, Associate's degree in Applied Sciences in Electronics Technology and Telecommunications, and an Associate's in Applied Sciences – Police Science. He listed his positions as a Senior Investigator, Secured Facilities and Parole, Correction Lieutenant, Staff Sergeant, Correction Sergeant, Senior Correction Officer, and United States Marine. Selection Services determined that he met the education and general experience requirements. However, it did not credit him with applicable supervisory experience as listed on his application. Therefore, it determined that he lacked one year of supervisory experience.

On appeal, appellant submits another copy of his application submissions. He argues that he indicated investigative experience in a supervisory capacity on

his online application. He also argues that he previously served in the supervisory investigative titles of Correction Lieutenant and Correction Sergeant. In addition, he argues that he has supervised other Senior Investigators, Investigators, support staff and interns in his role at East Jersey State Prison's SID unit. Further, he argues that he indicated that he supervised personnel in the above-mentioned titles. Therefore, he argues that he has exceeded the requirements for the subject examination. He requests that he "be reinstated to the list." He also requests, as a disabled veteran, a formal, written notification regarding his ineligibility.

### CONCLUSION

Initially, it is noted that applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. *See In the Matter of Charles Klingberg* (MSB, decided August 28, 2001). *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:4-2.6(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.

In the present matter, a review of the appellant's application and related material clearly demonstrates that he failed to meet the experience requirements listed on the examination announcement. In this regard, although Selection Services determined that he met the education and general experience requirements, he does not meet the supervisory experience requirements. The primary focus of his titles of Senior Investigator, Secured Facilities and Parole, Correction Lieutenant, and Correction Sergeant is not supervisory experience *in the investigation of violations of rules, regulations, standards and laws by adult inmates, juveniles and/or employees working within a secured facility*. In order for a position to be considered applicable, it must have as its **primary focus** full-time duties and responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). In addition, any experience that appellant may have gained in the title of Senior Investigator, Secured Facilities and Parole, would be considered out-of-title experience, since, in accordance with the job specification, it is not a supervisory title. Even if appellant had gained applicable out-of-title experience, good cause does not exist to accept out-of-title experience for the subject examination since a complete eligible list exists with eight eligibles on the employment roster.

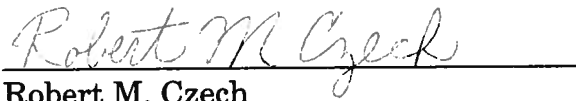
A thorough review of all material presented indicates that the determination of Selection Services, that the appellant did not meet the announced supervisory experience requirements for eligibility by the examination closing date, is supported by the record. Therefore, appellant has failed to support 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 30<sup>TH</sup> DAY OF JULY 2014**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

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

**Attachment**

**c: Christopher Birardi  
Dan Hill  
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE  
**PROMOTIONAL ANNOUNCEMENT**



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

SYMBOL: **PS86041**

WEIGHT CODE: \*

TITLE: **ASSISTANT CHIEF INVESTIGATOR SECURED FACILITIES**

SALARY: **\$73,194.00 - \$102,082.00**

ISSUE DATE: **July 01, 2013**

CLOSING DATE: **July 22, 2013**

TITLE CODE: **32649/SGRXR2**

CLASS CODE: **28**

DEPARTMENT: **CO./CORRECTIONS**

UNIT SCOPE: **1110 Office of the Commissioner**

APPLICATIONS MAY BE OBTAINED  
 FROM AND MUST BE RETURNED TO:

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):**

**Principal Investigator Parole and Secured Facilities**

**Or 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:**

**Education:** Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute, in addition to the required experience indicated below, applicable experience on a year for year basis, with thirty (30) semester hour credits being equal to one (1) year of experience.

**Experience:** Four (4) years of experience in the investigation of violations of rules, regulations, standards and laws by adult inmates, juveniles and/or employees working within a secured facility, one (1) year of which shall have been in a supervisory capacity.

**SPECIAL REQUIREMENTS:** Appointees will be required to satisfactorily complete the basic course for Investigators at the Division of Criminal Justice Training Academy if they have not already done so.

In accordance with NJSA 2A:154-4, investigators working in secured facilities are empowered to act as peace officers. As such, they must have completed basic police training conducted by the Police Training Commission.

**License:** Appointees will be required to possess a driver's license valid in New Jersey. 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. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epon>. Select the promotional announcement and click on the link, "Click Here to file On-Line" at the top of the announcement. **You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an immediate receipt confirmation!**
7. **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.**