

B-53



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Edward Juba, Jr.,  
Building Management Services  
Specialist 1 (PS2402K), Ann Klein  
Forensic Center

Eligibility Appeal

CSC Docket No. 2014-2293

ISSUED: JUL 17 2014 (SLK)

Edward Juba, Jr. 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 Management Services Specialist 1 (PS2402K), Ann Klein Forensic Center.

The examination at issue was announced with specific requirements that had to be met as of the October 21, 2013 closing date (see attached). Mr. Juba was the only individual who applied for the subject examination that was cancelled due to a lack of qualified applicants.

On his application, the appellant indicated that he was provisionally serving in the title under test from March 2013 to the October 21, 2013 closing date, as an Occupational Safety Consultant 1 from November 2007 until March 2013, as a Safety Officer, Developmental Disabilities for Woodbridge Developmental Center from July 2005 to November 2007, as an Inspector Fire Safety for the Department of Community Affairs from September 2003 to July 2005, as an Inspector Fire Safety for Franklin Township from September 2001 to September 2003, as a Part-Time Inspector Fire Safety for Franklin Township from March 2001 to September 2001, as a part-time Inspector Fire Safety for East Brunswick from May 2006 to the October 21, 2013 closing date and from August 2000 to September 2003, as a Paper Mill Employee for Schwitzer-Maudit from September 1991 to September 2001, as an Equipment Operator/Supervisor for the Township of East Brunswick from May 1986 to September 1991, and as a Fire Fighter/Safety Officer for the East

Brunswick Independent Fire Company from August 1985 to the October 21, 2013 closing date. Selection Services determined that the appellant did not satisfy the announced experience requirements.

On appeal, the appellant asserts that he has more than the required eight years of relevant experience and states that he has coordinated and implemented building management programs for the appointing authority since November 2007. He highlights that as a Safety Officer for the Woodbridge Developmental Center, he obtained two years and four months of relevant experience by coordinating building management programs. Additionally, the appellant states that he accumulated five years and ten months of the required experience as a Fire Safety Inspector for the Department of Community Affairs, Franklin Township, and East Brunswick Township by conducting inspections, identifying hazards, and assisting building owners in correcting hazards. The appellant clarifies that he spent approximately 10 hours per week as a factory worker for 10 years inspecting work areas, identifying hazards, and correcting hazards. Therefore, he claims that this experience is the equivalent of three years of the required experience. Further, he represents that he gained the equivalent of four years of relevant experience based on his supervisory responsibility, organizational and fiscal planning, building/property analysis, implementing building programs, safety inspections, and identifying and correcting hazards experience in various positions with the East Brunswick Independent Fire Company. Therefore, he argues that he should be credited with twenty-one years and two months of applicable experience.

### 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(g), provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purpose of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellant was not eligible for the subject examination as any relevant experience gained as an Occupational Safety Consultant 1, Safety Officer, Fire Safety Inspector, and as a Fire Fighter/Safety Officer would be considered out-of-title-work. See *N.J.A.C.* 4A:4-2.6(c). However, it cannot be ignored that applications must be reviewed in a manner that ensures that the integrity of the State classification system is maintained and consistently applied, applicable experience is considered, regulatory requirements are satisfied, and for the Commission, equitable concerns specific to each situation are addressed. Thus, experience should be evaluated in the context of the environment in which the applicant works. See *In the Matter of Karen Dolan, et al.* (MSB, decided July 19, 2006) (Logical nexus existed between the duties

performed by appellants and those required to establish eligibility for the title under test).

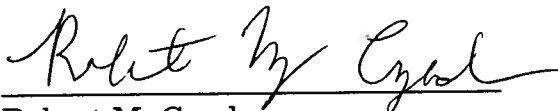
In this case, although the appellant's experience as an Occupational Safety Consultant 1, Safety Officer, Fire Safety Inspector, and as a Fire Fighter/Safety Officer does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that there is a logical nexus between the duties he performed in these titles and those required to establish eligibility for the title under test. Additionally, the examination situation is not competitive as the examination was cancelled since there were no other applicants. Also, the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the totality of the appellant's work experience, as well as his provisional experience in the title under test gained after the closing date, for eligibility purposes only, and to admit him to the examination.

### ORDER

Therefore, it is ordered that the appeal be granted, and the appellant'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 16<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  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

**Attachment**

**c: Edward Juba, Jr.  
Anne Kenyon  
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: **PS2402K**

WEIGHT CODE: \*

TITLE: **BUILDING MANAGEMENT SERVICES SPECIALIST 1**

SALARY: **\$66,550.00 - \$94,757.00**

ISSUE DATE: **October 01, 2013**

CLOSING DATE: **October 21, 2013**

TITLE CODE: **52578/VPRXR9**

CLASS CODE: **27**

DEPARTMENT: **HSHF/HUMAN SERVICES**

UNIT SCOPE: **K362 Ann Klein Forensic Hospital**

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):**

**Building Management Services Specialist 2**

**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 experience as indicated below on a year for year basis.

**Experience:** Four (4) 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 (1) year of which shall have included supervisory responsibilities.

**Note:** A Master's degree in Public Administration, Business Administration or closely related field may be substituted for one (1) year of the nonsupervisory experience. You must indicate the details of your Master's degree 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.

**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.

**Note:** This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>.

**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.

DPF-256A \* Revised 03/09