

B-78



STATE OF NEW JERSEY

In the Matter of David Iavarone,
Senior Custodian (PM1973R),
Jersey City School District

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2429

Examination Appeal

ISSUED: JUL 21 2014, (JET)

David Iavarone appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the experience requirement for the promotional examination for Senior Custodian (PM1973R), Jersey City School District.

The promotional examination was announced with specific requirements that had to be met as of the November 21, 2013 closing date (see attached). A total of nine employees applied for the subject examination that resulted in a list of two eligibles with an expiration date of March 26, 2017. It is noted that both of the eligibles have been permanently appointed from the list.

A review of the appellant's application indicates that he served as a Boiler Operator from November 2009 to November 2013, as an "Acting" Head Custodian from July 2011 to April 2012, and as a Custodian from February 1994 to November 2009. Official personnel records indicate that the appellant served as a Custodial Worker from February 1994 through June 1994, and from April 1995 through September 2010. Records also indicate that the appellant has been serving as a Boiler Operator since September 2010. Selection Services credited the appellant with nineteen years and ten months of applicable general experience for that work. However, Selection Services could not credit the appellant with any applicable supervisory experience as it was considered out-of-title work. Accordingly, Selection Services determined that the appellant lacked one year of applicable supervisory experience.

On appeal, the appellant argues, among other things, that he has performed supervisory duties while serving as a Boiler Operator and as a Custodial Worker. The appellant also submits a letter from his supervisor, Tony Mohamed, Maintenance Supervisor, indicating that the appellant has over five years of supervisory experience and is qualified for the examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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 the requirements for admittance to the examination or for credit in the examination process.

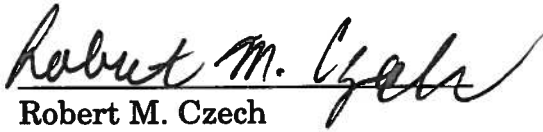
Initially, it is noted that Selection Services correctly credited the appellant with nineteen years and ten months of applicable general experience for his work as a Boiler Operator and as a Custodian. However, it could not credit him with any applicable supervisory experience since it was considered out-of-title work. The appellant argues on appeal that he is qualified for the examination and he possesses over five years of applicable supervisory experience. The appellant's supervisor verifies that the appellant performed supervisory duties while serving as a Custodial Worker and as a Boiler Operator. Based on the information provided by the appellant and his supervisor on appeal, the appellant has documented that he has performed the applicable supervisory duties required for the Senior Custodian examination, albeit out-of-title, for over five years. Moreover, the list has been exhausted as both eligibles have been permanently appointed. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this 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 16th DAY OF JULY, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

Attachment

c: David Iavarone
Tony Mohamed
Rita R. Salley
Dan Hill
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PM1973R

WEIGHT CODE: *

TITLE: SENIOR CUSTODIAN

SALARY: \$36,316.00 - \$45,684.00

ISSUE DATE: November 01, 2013

CLOSING DATE: November 21, 2013

TITLE CODE: 03290/ WFRJR2

JURISDICTION CODE: N09060600

JURISDICTION: JERSEY CITY

DEPARTMENT: SCHOOL DISTRICT

RETURN COMPLETED APPLICATIONS TO: **ONLY ON LINE APPLICATIONS
 WILL BE ACCEPTED
 FOR THIS ANNOUNCEMENT**

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

Custodian 01455

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:

Experience: Two (2) years of experience in work involving the heating, inspection, cleaning, and maintenance of furniture, fixtures, offices, buildings, and in the reconditioning, care, and maintenance of grounds, one (1) year of which shall have been in a supervisory capacity.

License: Appointees must possess a current, valid Black Seal Boiler Operator License of the appropriate type (high or low pressure) issued by the New Jersey Department of Labor and Workforce Development. The responsibility for ensuring that employees possess the required license, commensurate with the class and type of equipment they operate, rests with the Appointing Authority.

Note: 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 must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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. Applications must be postmarked by 11:59 pm on the closing date or application filing deadline listed above, or must be hand-delivered to the Civil Service Commission no later than 4:00pm on the closing date or application filing deadline listed above.
6. 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.** (i.e. Police, Fire, Corrections and Sheriff).
7. **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/epoa>. 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!**

DPF-256A * Revised 03/09