

B-64



STATE OF NEW JERSEY

In the Matter of Kevin L. Johnson,
Building Management Services
Specialist 3 (PS8769J), Montclair
State University

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-1594

Eligibility Appeal

ISSUED: APR - 6 2015 (LDH)

Kevin L. Johnson appeals the determination of the Division of Selection Services and Recruitment¹ (Selection Services) that he did not meet the experience requirements for the promotional examination for Building Management Services Specialist 3 (PS8769J), Montclair State University.

The subject examination was announced with a closing date of June 21, 2014 and was open, in part, to applicants who possessed a Bachelor's degree and two years of experience in the coordination and/or implementation of building management programs including building/property operations analysis, program development, organizational and/or fiscal planning, and/or cost efficiency programs and/or special building service programs, security, or a related field. It is noted that the examination was cancelled as the appellant was the only applicant.

On his application, the appellant stated that he possessed a Bachelor's degree. The appellant indicated that he served as a Building Management Specialist 3 from May 2012² through the closing date; Mechanical Equipment Specialist from September 2008 to May 2012; Operating Engineer HVAC from August 2005 to September 2008; and a Plumber Steamfitter from May 2002 to August 2005. It is noted that at the time Selection Services reviewed the appellant's application, agency records did not reflect his provisional appointment to the title of Building Management Services Specialist 3. Therefore, although the

¹ The eligibility review unit is now part of the Division of Agency Services.

² Agency records indicate that the appellant was provisionally appointed, pending promotional examination procedures to the subject title, effective August 27, 2012.

appellant's experience as a Mechanical Equipment Specialist was deemed relevant, it was out-of-title, and thus Selection Services did not give him credit for it. The appellant's experience as an Operating Engineer HVAC and a Plumber Steamfitter were not found to be applicable. Based on the foregoing, Selection Services determined that the appellant lacked the required experience.

On appeal, the appellant asserts that he satisfies the minimum requirements for the promotional announcement. He argues that while he served in the title of Mechanical Equipment Specialist he was doing duties of a Building Management Services Specialist 3. In support, he submits his resume and a letter from Joseph Marzullo, Director Facilities Maintenance. Specifically, Mr. Marzullo asserts that since January 2008 the appellant had performed relevant out-of-title duties while serving in the title of Mechanical Equipment Specialist.

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 the requirements for admittance to the examination or for credit in the examination process.

Initially, it is noted that based upon the correction to the appellant's personnel record, he possesses one year and 10 months of applicable experience based on his provisional service as a Building Management Services Specialist 3. Thus, the appellant lacks two months of applicable experience since the remainder of his relevant experience was gained while performing out-of-title duties as a Mechanical Equipment Specialist.

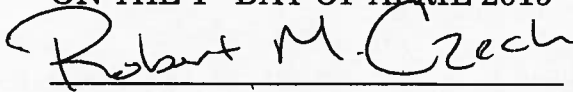
In the instant matter, the appellant and his supervisor, Joseph Marzullo, maintain that he has performed relevant duties since January 2008 while employed in the titles of Mechanical Equipment Specialist and Building Management Services Specialist 3. Accepting Mr. Marzullo's verification that the appellant performed the appropriate duties as of the closing date for the subject promotional examination, the appellant possessed more than the required two years of applicable experience. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded and the appellant's application be processed.

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 1st DAY OF APRIL 2015



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