

B-34



In the Matter of Harry Wertz,  
Environmental Specialist 4  
(PS9629G), Department of  
Environmental Protection

CSC Docket No. 2015-2946

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

Examination Appeal

**ISSUED: JUL 16 2015 (SLK)**

Harry Wertz appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the promotional examination for Environmental Specialist 4 (PS9629G), Department of Environmental Protection.

The promotional examination was announced with specific requirements that had to be met as of the January 21, 2015 closing date (see attached). A total of four employees applied for the examination and three were deemed eligible. Personnel records indicate that there is one employee, Mr. Wertz, who is currently serving provisionally in the subject title. The examination administration date is July 14, 2015.

Mr. Wertz indicated on his application that he was provisionally serving in the subject title from June 2014 to the January 21, 2015 closing date, an Occupational Health Consultant 1 from October 2009 to June 2014, a part-time 9-1-1 Operator for Overlook Hospital from June 1988 to May 2010, a Principal Environmental Specialist/Environmental Specialist 3 from February 2008 to September 2009, a Hazardous Site Mitigation Specialist 2 from October 2003 to February 2008, a Senior Environmental Specialist/Environmental Specialist 2 from October 2001 to October 2003, an Environmental Specialist from June 1993 to October 2001, and an Environmental Specialist Trainee from June 1992 to July 1993. The appellant also indicated that he was a supervisor for various positions for the appointing authority including serving provisionally in the subject title, as an Occupational Health Consultant 1, as a Principal Environmental

Specialist/Environmental Specialist 3, and as a Hazardous Site Mitigation Specialist 2. Personnel records indicate that the appellant was provisionally serving in the subject title from July 2014 to the January 21, 2015 closing date, an Occupational Health Consultant 1 from June 2008 to July 2014, a Principal Environmental Specialist, Site Remediation from February 2008 to June 2008, a Hazardous Site Mitigation Specialist 2 from September 2003 to February 2008, a Senior Environmental Specialist, Waste Management June 2000 from to September 2003, an Environmental Specialist, Waste Management from July 1995 to June 2000, an Environmental Specialist from April 1994 to July 1995, an Environmental Specialist, Water Resource from October 1993 to April 1994, an Environmental Specialist, Waste Management from June 1993 to October 1993, and an Environmental Specialist Trainee from June 1992 to June 1993. Mr. Wertz also indicated that he possesses a Master's degree. Agency Services credited Mr. Wertz for having met the education requirement, the general experience requirement, and having seven months of the required supervisory experience based on his provisional service in the subject title, but determined that he lacked five months of the required supervisory experience.

On appeal, Mr. Wertz states that he has over 20 years of experience regularly conducting training and argues that under the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy), as a trainer, he is considered a supervisor since he has an obligation to report allegations of discrimination/harassment. The appellant provides that he has over four years of supervisory experience managing a retail pharmacy, over four years of experience as a supervisor for a volunteer ambulance unit, and as the lead operator for a 9-1-1 dispatch for a health system, over 21 years of supervisory responsibility. Mr. Wertz represents that he has over six months of supervisory experience while serving provisionally in the subject title. The appellant submits a determination letter from the Division of Human Resource Management<sup>1</sup> that indicates that effective June 2008, his position was reclassified from Principal Environmental Specialist, Site Remediation to Occupational Health Consultant 1 since it was determined that his responsibilities had significantly increased. Mr. Wertz maintains that as an Occupational Health Consultant 1, in 2011, he supervised an employee for six months including having Performance Assessment Review (PAR) responsibility until that employee was reassigned. Further, he indicated on his original application that he supervised a staff member for five months when he was a Principal Environmental Specialist, Site Remediation/Environmental Specialist 3, prior to his position being reclassified to Occupational Health Consultant 1. Additionally, the appellant submits a letter from Bob Van Fossen, Director, Emergency Management Program, which supports his appeal and a letter from the appointing authority verifying his supervisory experience and requesting acceptance of his out-of-title work.

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<sup>1</sup> This function is now part of the Division of Agency Services.

## 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 by the Commission for good cause, applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title to satisfy the requirements for admittance to the examination.

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

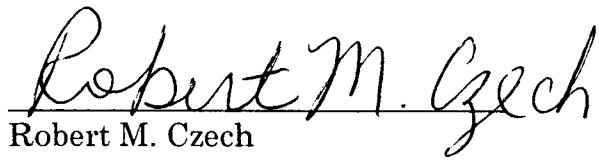
A review of the record indicates that the appellant should be admitted to the subject examination. The subject examination requires four years of experience in environmental control work, including one year of supervisory responsibilities including preparation of employee evaluations of staff involved in technical or scientific work. Agency Services correctly determined that the appellant met the general requirements based on his Master's degree, his provisional service in the subject title, as an Occupational Health Consultant 1, as a Principal Environmental Specialist, Site Remediation, and as a Hazardous Site Mitigation Specialist 2. Additionally, Agency Services correctly credited the appellant for seven months of supervisory experience while serving in the title under test and correctly determined that his supervisory experience as an Occupation Health Consultant 1 was not applicable as it was out-of title work. However, as a Principal Environmental Specialist, Site Remediation/Environmental Specialist 3, the appellant had an additional five months of in-title supervisory experience of an employee involved in technical work. Additionally, the appointing authority has verified the appellant's supervisory experience and supports this appeal. As such, the appellant met the supervisory requirements.

## ORDER

Therefore, it is ordered that this appeal be granted and the appellant be scheduled for a make-up examination as soon as possible. If the appellant achieves a passing score, his name should be added to the list for current employment opportunities.

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 15<sup>th</sup> DAY OF JUNE, 2015

A handwritten signature in cursive script that reads "Robert M. Czech". The signature is written in dark ink and is positioned above the printed name.

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  
PO Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Harry Wertz  
Deni Gaskill  
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: PS9629G**

**WEIGHT CODE: \***

**TITLE: ENVIRONMENTAL SPECIALIST 4**

**SALARY: \$70,903.00 - \$101,040.00**

**ISSUE DATE: January 01, 2015**

**CLOSING DATE: January 21, 2015**

**TITLE CODE: 15855/MSRXR9**

**CLASS CODE: 28**

**DEPARTMENT: EPA/ENVIRONMENTAL PROTECTION**

**UNIT SCOPE: G159 Office of the Deputy Commissioner**

Visit [www.state.nj.us/csc](http://www.state.nj.us/csc)  
 And select "Job Announcements"  
 to view this announcement and to file an application

**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):**

**Environmental Specialist 3**

**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 in one of the Physical Sciences, Environmental Sciences/Studies, Chemical Sciences, Biological Sciences, Environmental Planning, Physical Geography or in Civil Engineering, Sanitary Engineering, Chemical Engineering, Environmental Engineering, Mechanical Engineering, Agricultural Engineering, Mining Engineering, Industrial Engineering, or Bio-resource Engineering. You must indicate the details of your 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.

**Note:** Possession of a valid license as a Professional Engineer issued by the New Jersey State Board of Professional Engineer's and Land Surveyors may be substituted for the Bachelor's degree in Engineering. If you have the license, you must indicate this on your application, failure to do so will result in rejection from the examination process. Proof of the license must be submitted to the employing agency prior to appointment.

**Experience:** Four (4) years of experience in environmental control work including field investigations, inspection, and preparing reports on the environment or the preparation or review of Environmental Impact Statements, one (1) year of which shall have included supervisory responsibilities including preparation of employee evaluations of staff involved in technical or scientific work.

**Note:** A Master's degree in any of the above fields may be substituted for one (1) year of the above 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 at 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. **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](mailto: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