

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Hussein Ahmed and
Michael Silvestri, Property
Management Services Specialist 2
(PS9801U), Department of the
Treasury

Examination Appeals

CSC Docket Nos. 2015-3237 and
2015-3188

ISSUED: **AUG 03 2015** (SLK)

Hussein Ahmed and Michael Silvestri appeal the determinations of the Division of Agency Services (Agency Services) that they were below the minimum requirements in experience for the promotional examination for Property Management Services Specialist 2 (PS9801U), Department of the Treasury. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the January 21, 2015 closing date (see attached). A total of three employees applied for the subject examination and one was deemed eligible. Certification PS141432 was issued containing the name of the one eligible and its disposition has not yet been recorded. The list expires on June 3, 2018.

On Mr. Ahmed's application, he indicated that he was provisionally serving in the subject title from December 2014 to the January 21, 2015 closing date, an Assistant Engineer, Civil for the Motor Vehicle Commission from October 2012 to December 2014, a Civil Engineer Trainee from April 2012 to October 2012, and a Civil Engineer for Edgewood Properties from May 2009 to May 2011. Personnel records indicate that he was provisionally serving in the subject title from December 2014 to the January 21, 2015 closing date, an Assistant Engineer, Civil from April 2013 to December 2014, and a Civil Engineer Trainee from April 2012 to April 2013. Mr. Ahmed also indicated that he possesses a Master's degree. Agency Services credited him for his education and two months for his provisional service in the subject title, but determined that he lacked one year and 10 months of experience.

On Mr. Silvestri's application, he indicated that he was provisionally serving in the subject title from May 2014 to the January 21, 2015 closing date, an Assistant Engineer, Civil for the Motor Vehicle Commission from January 2013 to May 2014, a Civil Engineer Trainee for the Motor Vehicle Commission from July 2012 to January 2013, a Security Officer for IPS Security from March 2009 to November 2011, and a Stage Crew for the Burlington County Institute of Technology from September 2005 to May 2008. Mr. Silvestri also indicated that he possesses a Bachelor's degree. Personnel records indicate that he was provisionally serving in the title under test from May 2014 to the January 21, 2015 closing date, an Assistant Engineer, Civil for the Motor Vehicle Commission from July 2013 to May 2014, and a Civil Engineer Trainee for the Motor Vehicle Commission from July 2012 to July 2013. Agency Services credited him for his education and nine months for his provisional service in the subject title, but determined that he lacked one year and three months of experience.

On appeal, Mr. Ahmed presents that he possesses a Bachelor's and Master's degree in Civil Engineering/Construction and Project Management, that he has over six years of experience as a Project Manager, including work in the private sector, three years with the Motor Vehicle Commission, and over six months with the appointing authority. Mr. Ahmed asserts that his supervisors have always highly rated his work, and he lists the duties that he has performed on projects throughout his career which he argues demonstrate that he meets the required experience.

Mr. Silvestri represents that the appointing authority provisionally appointed him to the subject title based on his two years of project management experience he gained while working for the Motor Vehicle Commission. Mr. Silvestri describes his current job duties and submits a resume which lists the job duties that he has performed throughout his career to demonstrate that he has the required experience.

It is noted that the Motor Vehicle Commission has confirmed that the appellants performed the required duties in construction management while employed by that agency.

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 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, unless good cause is shown for an exception. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may

relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants did not meet the required experience. As of the January 21, 2015 closing date, Mr. Ahmed only had two months of applicable experience and Mr. Silvestri only had nine months of experience as any other applicable experience they gained as Assistant Engineers, Civil would be out-of-title work. However, the Motor Vehicle Commission has confirmed that Mr. Ahmed performed the required out-of-title duties as an Assistant Engineer, Civil for one year and eight months from April 2013 to December 2014 and Mr. Silvestri performed the required out-of-title duties as an Assistant Engineer, Civil for 10 months from July 2013 to May 2014. Further, the record evidences that the eligible list is incomplete as there is only one name on the eligible list. Moreover, Mr. Ahmed and Mr. Silvestri continue to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and (c) and accept Mr. Ahmed's and Mr. Silvestri's out-of-title work and experience after the closing date, for eligibility purposes, and admit them to the subject examination.

ORDER

Therefore, it is ordered that these appeals be granted, and Hussein Ahmed's and Michael Silvestri's applications 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 29th DAY OF JULY, 2015



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
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Trenton, New Jersey 08625-0312**

Attachment

**c: Hussein Ahmed
Michael Silvestri
Douglas Ianni
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: PS9801U	WEIGHT CODE: *
TITLE: PROPERTY MANAGEMENT SERVICES SPECIALIST 2	SALARY: \$51,530.00 - \$72,953.00
ISSUE DATE: January 01, 2015	CLOSING DATE: January 21, 2015
TITLE CODE: 52603/MWRXR2	CLASS CODE: 21
DEPARTMENT: TYA/TREASURY	
UNIT SCOPE: U547 Property Mgmt & Construction / Property Management Services	

Visit 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):

Property Management Services Specialist 1

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 additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Two (2) years of experience in work involving real estate acquisition, financing, appraising, negotiation, property management, building operations, complex management, contract/grant administration, construction management services, or a related field.

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.

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 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

