



STATE OF NEW JERSEY

In the Matter of Edward Biso, Safety Officer, Developmental Disabilities (PS3852K), Department of Human Services

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket No. 2018-3024

Examination Appeal

ISSUED: AUGUST 15, 2018 (JET)

Edward Biso appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Safety Officer, Developmental Disabilities (PS3852K), Department of Human Services.

The subject examination was announced with specific requirements that had to be met as of the October 23, 2017 closing date. The requirements were graduation from an accredited college or university with a Bachelor’s degree, and two years of experience in work involving the inspection, identification, and correction of safety hazards. It was noted that applicants who did not possess the required education could have substituted additional experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. Since the appellant did not possess a Bachelor’s degree, he was required to possess six years of applicable experience. The examination was cancelled on April 26, 2018 as none of the applicants, including the appellant, were found eligible for the examination.

A review of the appellant’s application reveals that he possesses 62 semester hour credits. Additionally, the appellant listed that he served as a provisional Safety Officer, Developmental Disabilities from March 2017 to the October 23, 2017 closing date, as a Housekeeping Supervisor 2 from May 2016 to March 2017, and as an Assistant Housekeeping Supervisor 1 from April 2014 to May 2015. He also indicated that he worked as a Custodial Manager from January 2012 to April 2014, and as an Operations Supervisor/Park Service from June 1995 to December 2011.

Agency Services credited the appellant with two years of experience for his 62 college credits, eight months of applicable experience for his provisional service in the subject title, and two years and four months of applicable experience for his service as a Custodial Manager. Agency Services could not credit the appellant with any other applicable experience as the duties he listed as a Housekeeping Supervisor 2 and an Assistant Housekeeping Supervisor 1 were considered out-of-title experience. Accordingly, Agency Services determined that the appellant lacked one year of applicable experience.

On appeal, the appellant asserts, among other things, that he is qualified for the examination as he has been employed in the safety field since 1995. He adds that he has been performing safety duties at the College of New Jersey since April 2014, and he performed such work while employed as a Custodial Manager and as an Operations Supervisor/Parks Service. Moreover, he states that he has been serving provisionally in the subject title since March 2017.

Official personnel records show that the appellant continues to serve provisionally in the subject title.

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:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation.

In the instant matter, it is noted that Agency Services correctly credited the appellant with five years of applicable experience for his education and service as a provisional Safety Officer, Developmental Disabilities and as Custodial Manager. Upon further review of the appellant's experience listed on his application, the Civil Service Commission is satisfied that the appellant performed applicable duties while serving as an Operations Supervisor/Parks Service, notwithstanding that such applicable duties did not constitute the primary focus of his position. Additionally, the appellant continues to serve provisionally in the title under test and has accrued an additional 10 months of applicable experience. Moreover, the situation is not competitive as the examination was cancelled and there are not other applicants who were admitted. Under these circumstances, with the inclusion of his experience as an Operations Supervisor/Parks Service, as well as his experience gained after the closing date, for eligibility purposes only, he should be admitted to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, 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 15th DAY OF AUGUST, 2018



Deidre L. Webster Cobb
Chairperson
Civil Service Commission

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