



STATE OF NEW JERSEY

In the Matter of Michael Norton,
Building Services Coordinator 1
(PS3958K), Department of Children
and Families

DOP Docket No. 2019-1406

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Reconsideration

ISSUED: February 11, 2019 (RE)

Michael Norton petitions the Civil Service Commission (Commission) for reconsideration of the attached decision rendered on October 17, 2018, which denied his appeal regarding his ineligibility for the promotional examination for Building Services Coordinator 1 (PS3958K), Department of Children and Families.

By way of background, the eligibility requirements for the subject examination were two years of experience in property maintenance, including scheduling, coordinating and expediting alteration, renovation and repair work, and vendor management. The petitioner was credited with one year, eight months of experience as a provisional in the subject title, and his remaining experience as a Senior Repairer, Repairer, and Driver/Fire Fighter were not accepted. As a Senior Repairer and Repairer, the appellant was performing property maintenance, but was not scheduling, coordinating and expediting alteration, renovation and repair work, and vendor management. As such, he was found to be lacking four months of applicable experience. The Commission noted that, at the time, eight candidates appeared on the eligible list, which was certified twice, and one appointment had been made.

In the present matter, the petitioner explains that since the Commission's decision was issued, the entire list "has been utilized," and he is the only provisional remaining in the title. He requests that his provisional experience after the closing date to be considered and he be admitted to the subject examination.

In support, the appointing authority argues that the applicant pool of eight eligibles does not fully represent a competitive situation as this examination was announced against seven provisional incumbents. It explains that a list was issued with two names and certified August 2, 2018. The provisional was appointed and the list disposed of on August 16, 2018, leaving one eligible. Thereafter, six additional names appeared on the second certification (PS181281), dated October 23, 2018, and all eligibles from that list were appointed, thereby exhausting the list. It argues that the petitioner has since acquired twelve months of additional applicable experience.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following:

1. New evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

The petitioner was denied admittance to the subject examination since he lacked four months of applicable experience. On reconsideration, the appellant argues that the list is now exhausted, and the Commission should accept his experience after the closing date. Therefore, new information exists that could not have been presented at the original proceeding that would change the outcome in this case.

N.J.A.C. 4A:4-4.2(c)2 states, in pertinent part, that an appointing authority shall be entitled to a complete certification for consideration in making a permanent appointment which means, from a promotional list the names of three interested eligibles for the first permanent appointment, and the names of one additional interested eligible for each additional permanent appointment. Official records indicate that there were eight provisional incumbents serving at the closing date, and the appointing authority was provided with a list of eight eligibles. The appointing authority had received one certification of the list and made one appointment prior to the Commission's determination. While the Commission is under no obligation to make an exception to a rule, in this case, a certification disposed after the Commission's determination has exhausted the list, the petitioner is still serving as a provisional appointee, and the appointing authority wishes to make another appointment. Given these circumstances, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) to accept the appellant's additional experience beyond the closing date and admit him to the examination for prospective appointment consideration.

ORDER

Therefore, it is ordered that this request be granted, 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 6th DAY OF FEBRUARY, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Michael Norton
Linda Dobron
Kelly Glenn
Records Center

with one year, eight months of experience as a provisional in the subject title, and he was found to be lacking four months of applicable experience. On appeal, Norton states that he is a provisional in the subject title and provides a long list of duties for that position. Additionally, the appellant provides a narrative description of his duties as a Repairer and Senior Repairer. He indicates that as a Senior Repairer he was “responsible for the day to day activities while include scheduling, coordinating and working with vendors on the repair and maintenance of building issues...” He also states that he dealt with the Office of Telecommunications and Verizon regarding phone issues and installations. He submits a letter from his supervisor who attests to the duties in the appeal, and from the appointing authority who concurs.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may be amended prior to the announced closing date.

Applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. *See In the Matter of Charles Klingberg* (MSB, decided August 28, 2001). In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Next, when an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which DAS can compare what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. *See In the Matter of William Moore* (MSB, decided May 10, 2006).

A Building Services Coordinator 1 schedules, coordinates and expedites the alterations, renovations, repairs, and maintenance of office space. As such, the experience requirement is not simply property maintenance or repairs, but it includes scheduling, coordinating and expediting alteration, renovation and repair work, and vendor management.

Littleford’s experience as a Repairer involves coordination of the maintenance of State vehicles and recording the information relating to this maintenance, such as mileage and maintenance history. This appears to be out-of-title work and does not match the announced experience requirement. On appeal, Littleford provides information regarding a position not listed on his application, Senior Repairer, but in which he was appointed a month prior to the closing date.

In this regard, the application is not a formality used to schedule examinations, as this agency makes official determinations for eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions, since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. *See In the Matter of Daniel Roach* (Merit System Board, decided October 20, 2004). Pursuant to *N.J.A.C. 4A:4-2.1(f)*, any supplemental information received after the closing date cannot be considered.

The description of duties for Littleford's Senior Repairer position does not indicate that it has the announced experience as the primary focus, and in addition, the primary focus is maintaining minor maintenance on vehicles, maintaining the vehicle maintenance database, scheduling maintenance for vehicles, assisting in the dispatch of vehicles, and inspecting vehicles for damage, among other duties. Only one duty does not directly pertain to vehicles. The definition of the job specification for Senior Repairer includes performing the basic maintenance, repair or mechanical adjustment involved in varied types of buildings, building facilities, building utilities or furniture, and taking the lead over lower level repairers and helpers. Given the variance between Littleford's duties and the definition for Senior Repairer, Agency Services should perform a classification review of Littleford's current position.

As to Littleford's remaining positions, as Electrician, Carpenter, Electrician and Telecommunications Specialist, these positions do not have the general contract work in the announced experience requirement. That is, each focuses on one particular aspect of property management, but does not encompass the scope of the experience, including scheduling, coordinating and expediting alteration, renovation and repair work, and vendor management. Littleford lacks two years of applicable experience.

Norton received one year, eight months of credit for his provisional Building Services Coordinator 1 position. As a Senior Repairer and Repairer, the appellant was performing property maintenance, but was not scheduling, coordinating and expediting alteration, renovation and repair work, and vendor management. His experience as a Driver/Fire Fighter is clearly inapplicable.

The appellants were denied admittance to the subject examination since they lacked the minimum requirements in experience. An independent review of all material presented indicates that the decisions of Agency Services, that the appellants do not meet the announced requirements for eligibility by the closing date, are amply supported by the record. The appellants provide no basis to disturb those decisions. Thus, the appellants have failed to support their burden of proof in these matters.

ORDER

Therefore, it is ordered that this appeal be denied and the classification of Littleford's current position be referred to Agency Services for further review.

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 17th DAY OF OCTOBER, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Patrick Littleford
Michael Norton Jr.
Linda Dobron
Kelly Glenn
Records Center