



In the Matter of Juan Delgado,
Director of Inspections (PM1025W),
Willingboro

CSC Docket No. 2019-1420

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

Examination Appeal

ISSUED: February 11, 2019 (CSM)

Juan Delgado 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 Director of Inspections (PM1025W), Willingboro.

The examination at issue was announced with specific requirements that had to be met as of the April 23, 2018 closing date. The requirements were, in pertinent part, were five years of supervisory experience in the enforcement of various municipal codes and ordinances. The examination was cancelled on October 4, 2018 due to a lack of qualified applicants.

The appellant indicated on his application that he was a Mechanical Inspector/Plumbing Sub-Code Official from September 2006 to the closing date, April 2018. The appellant indicated that he supervised “0” employees and did not list any additional positions on his original application. It is noted that due to an administrative oversight, Agency Services initially determined that the appellant was eligible for the subject examination. However, upon its secondary review of his application, Agency Services determined that he lacked the required supervisory experience in the enforcement of various municipal codes and found him ineligible for the subject examination.

On appeal, the appellant states that he had been as as the “Acting Construction Official/Director of Inspections” since 2010 and that he “assisted” in the supervision of the department. Additionally, he states that he is the CEO/President of Ralf’s Plumbing and Heating and that he supervises full-time

technicians, who ensure compliance with the State Uniform Construction Code. The appellant presents that his experience is not limited to what he indicated on his original application and it was unclear that additional information would be needed to confirm his qualifications as a supervisor. In support of his appeal, the appellant provides letters from co-workers who indicates that the appellant was responsible for overseeing the office in the absence of the regular supervisor.

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.

CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant is not eligible for the examination. 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). On his original application, the appellant clearly indicated that he supervised “0” employees in his position as a Mechanical Inspector/Plumbing Sub-Code Official on his original application. Further, for promotional examination purposes, experience is considered only if it is gained in a recognized type of appointment. Experience acquired in an “acting” capacity is not recognizable, as this work is intermittent in nature and the duties performed are not the primary focus of the employee’s permanent title. Moreover, individuals performing in an acting capacity do not perform all the duties of that position when their acting term is limited, such as when serving during a term of vacation or sick leave. *See e.g., In the Matter of Walter Furtney* (MSB, decided April 18, 2000), *aff’d, on reconsideration* (MSB, decided September 26, 2000).

With respect to the position with Ralf’s Plumbing and Heating, under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant’s original application. Therefore, since the appellant did not include his position with Ralf’s Plumbing and Heating on his original application, it cannot be considered in the context of this appeal.

A thorough review of all material presented indicates that the determination of Agency Services, that the appellant did not meet the announced requirements for

eligibility by the examination closing date, is supported by the record. Thus, appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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



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