

B-35



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert Giquinto and
Danuta Szewczyk, Procurement
Specialist 1 (S0397T), Statewide

CSC Docket Nos. 2016-1372
2016-1478

Examination Appeals

ISSUED: DEC 21 2015 (RE)

Robert Giquinto and Danuta Szewczyk appeal the determinations of the Division of Agency Services (DAS) which found that Danuta Szewczyk did not meet the experience requirements, and Robert Giquinto did not meet the experience requirements, per the substitution clause for education, for the open-competitive examination for Procurement Specialist 1 (S0397T), Statewide. These appeals have been consolidated due to common issues.

The Procurement Specialist 1 examination announcement was issued with a closing date of August 5, 2015, and was open to residents of New Jersey who met the experience requirement of graduation from an accredited college or university with a Bachelor's degree, AND three years of experience in the purchase of commodities, materials, equipment, and/or supplies. Applicants who did not possess the required education could substitute experience on a year for year basis with 30 semester hour credits being equal to one year of experience. Of the applications received, 35 candidates were admitted, and the examination results are not yet available.

On his application and resume, Mr. Giquinto indicated that he possessed no college credits and he listed three positions: Building Management Services Specialist with the Department of the Treasury; Senior Project Manager with Glass Artistry Architectural; and Project Site Supervisor with Union County Plate Glass. As none of this experience was found to be acceptable, per the substitution clause for education he was found to be lacking seven years of applicable experience.

On appeal, Mr. Giquinto states that as a Senior Project Manager with Glass Artistry Architectural, he was responsible for overseeing multi-million dollar glazing projects that were procured and negotiated primarily by him. After the award of a project, one of his primary responsibilities was the buyout of all labor, sub-contracts (when required) and all materials and supplies that would be required to complete the project successfully and within the project schedule time restraints. If awarded a glazing contract for one million dollars, the buyouts for that size of a project would typically be equal to 75% of the total contract value, which is a substantial amount of equipment, supplies and materials to procure. Typically, the procurement of materials and supplies required development of a scope of what was needed to meet the job specifications and requirements. He solicited multiple bids, reviewed each one to ensure that the specification was satisfied and negotiated the monetary value and terms. Some items routinely procured were tools, safety equipment, automated fabrication machinery, fabricated glass, fabricated architectural metal, sealants, sub-contract labor for caulking and other miscellaneous services, surveying equipment, welding equipment, architectural door hardware, fasteners, and other needed items for installing a multi-story glass building façade. He argues that this is qualifying experience. He states that if his current time as a Building Management Services Specialist, where he also does a major amount of purchasing, is considered and counted, there should be no reason why his experience at Glass Artistry was not. He states that procurement was and is a major part of what he does but was not his "100%" primary function at either position. He states that he now has ten years of experience in the purchase of commodities.

Ms. Szewczyk indicated on her application that she possessed two Master's degrees, and she listed four positions on her application: Supervisor with Delavau; Validation Engineer with Skanska; Process Improvement Supervisor with PFI; and Scientist with Wyeth. As none of this was accepted, she was found to be lacking three years of qualifying experience.

On appeal, Ms. Szewczyk argues that at her position as Scientist at Wyeth, she worked for Technical Services and Product Development and was directly involved in scale-up activities for instrumentations, equipment, raw materials and processes, etc. This required purchasing of new and upgrading of old equipment/instrumentations and selection of raw materials to support current production and new product lines. The job also involved technology transfer from sites to sites which involved procurement activities. The job included research of markets to select vendors according to pre-established specifications to meet local and federal regulations. She was involved in contract preparations for purchasing of raw materials, equipment and commodities. She states that on her application she provided a detailed description: "Scale up, validation, technology transfer, new product line, marketed product support. Procurement activities, dealing with vendors, selecting raw material, equipment, instrumentations. Setting the

specifications, ranges, characteristics and properties of raw materials. Testing and analyzing. Data entry into database, producing statistical analysis, charts. Setting guidelines, recommendations, ranges. Instalment Qualifications, Operational Qualifications and Process Qualifications activities for validation. Wrote protocols, scopes, reports. Proficient with MS EXCELL, MSWORD, POWER P01N7. OUTLOOK, printers, faxes, scanners. Computer software programing, SQL, Fortran, Oracle, Basic, some HTML." She also adds that as a Process Improvement Supervisor for PFI she described her duties as "Technology initiatives. Process improvement initiatives. Worked on engineering system documentations. Prepared of Standard operational procedures. Technical support for production activities. Marketed products support. Oversee purchases of commodities, materials. Equipment, instrumentations and supplies for technical departments. Research of new ingredients, materials, equipment. Wrote recommendations, guidelines, provided ranges and specifications. Researches periodicals, technical manuals. Conducted studies, collected data, produce reports. Proficiency in MS EXCELL, MS WORD, MS Outlook, Oracle data base. Computer programming Fortran, Basic, HTML, SQL." She adds that, for the remaining two positions, she was involved in procument activities, and she provides a list of related duties. She requests to take the examiantion.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

CONCLUSION

At the outset, it is noted that qualifying experience has the announced experience as the primary focus. In the eligibility screening process for open competitive examinations, 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 Management Services Specialist does the work required to provide or support the provision of building management, operation, service, maintenance, and renovation, or supervises the operation, maintenance, and/or delivery of building services for a state building or a series of smaller buildings. It should be noted however that official records indicate that Mr. Giquinto's title with the Department of Treasury is Government Representative 2, which is in the unclassified service. Mr. Giquinto listed his duties as, "Effectively generates material requests for all materials and services required to maintain a safe and comfortable work environment for our tenants. Responsible for generating a 'scope of work' and coordinating with outside trade vendors to obtain proposals for building upgrades and repairs, performs follow-up correspondence and tracks the progress of the material request approval from the Treasury Fiscal & Resources Department. Responsible for supervising in

house trade services and all outside vendors through the completion of repairs & projects in my assigned facilities. Learned and utilizes the Data Stream Program to generate and close out work orders for our in house trade services. Performs weekly building inspections and works closely with the janitorial contractor ensuring a clean and safe facility for our tenants. Follows all fiscal procedures and regulations as outlined by Treasury Fiscal & Resources and The Division of Purchase and Property. Conducts hand-on use of Building Management computer systems used to control and adjust HVAC and lights. Provides direct competent assistance to my supervisor in the daily delivery of building services essential to maintain a safe and efficient building complex. Responsible for obtaining quotes and the purchasing of all commodities required for daily maintenance and repairs at my assigned facilities." Based on Mr. Giquinto's description of duties, the position he holds appears to belong in the career service. As such, a classification review of the position is warranted.

Nevertheless, Mr. Giquinto's description of job duties in his Building Management Services Specialist title contains some aspects of purchasing, but it is not focused on the purchase of commodities, materials, equipment, and/or supplies. That is, the announced requirement is not the primary focus of the position. Similarly, the appellant's position as Senior Project Manager with Glass Artistry Architectural did not have purchasing as the primary focus. Rather, project management was the focus. Project management is a methodical approach to planning and guiding project processes from start to finish, and includes initiation, planning, executing, controlling, and closing. The project manager is concerned with scope, time, quality and budgeting. While Mr. Giquinto provides purchasing details on appeal, on his application he stated that he, "Managed the day to day operations including mobilization and jobsite assignment for all equipment and personnel. Instrumental in the procurement of projects including the review of specifications, architectural drawings, and the take off of materials and labor to submit proposals based on contract documents. Attended pre-bid and scope review meetings as required. Responsible for putting together complete submittal packages including shop drawings, material samples and product data after award of a project. Responsible for the take-off and ordering of all materials and commodities necessary to complete projects in a timely manner. Utilized my prior installation experience to field measure and layout complex curtain wall and window wall systems for in house fabrication. Implemented the use of the GDS WinBidPro software to take off materials more efficiently and computer generate shop fabrication sheets. Supervised all shop fabrication from the unloading of aluminum extrusions for fabrication to the delivery of assembled curtain wall and window wall units to the jobsite. Effectively negotiated change orders and back charges with subcontractors, vendors and construction managers. Attended weekly project manager meetings and provided formal correspondence with the Construction Manager, Project Architect/Engineer, and all subcontractors striving to maintain the building project schedule." While Mr. Giquinto was responsible for major

purchasing while in this position, he did so to complete projects, and the majority of his attention and obligation was not to the purchase of commodities, materials, equipment, and/or supplies. As such, this position was not qualifying. Mr. Giquinto's position as Project Site Supervisor with Union County Plate Glass is also inapplicable. Mr. Giquinto lacks seven years of qualifying experience per the substitution clause for education.

Ms. Szewczyk's duties as a Scientist with Wyeth included "scale up, validation, technology transfer, new product line, marketed product support. Procurement activities, dealing with vendors, selecting raw materials, equipment, instrumentations, Setting the specifications, ranges, characteristics and properties of raw materials. Testing and analyzing. Data entry into database, producing statistical analysis, charts. Setting guidelines, recommendations, ranges. Installment Qualifications, Operational Qualifications and Process Qualification activities for validation. Wrote protocols, scopes, reports. Proficient with MS EXCELL, MS WORD, Power Point, Outlook, printers, faxes, scanners. Computer software programming, SQL, Fortran, Oracle, Basic, some HTML." Her duties as a Process Improvement Supervisor with PFI were repeated in her appeal and are listed above. Both of these positions indicate responsibility for overseeing procurement or purchasing activities, but neither have the announced experience requirement as the primary focus. Her first two positions involve supervision of operations and project management. None of her experience is qualifying, and Ms. Szewczyk lacks three years of applicable experience.

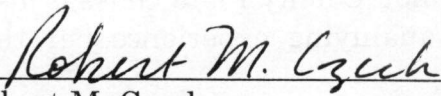
The appellants were denied admittance to the subject examination since they lacked the minimum requirements in experience. An independent review of all material presented indicates that the decision of DAS, that the appellants did not meet the announced requirements for eligibility by the closing date,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

ORDER

Therefore, it is ordered that these appeals be denied. Further, Mr. Giquinto's position should undergo a classification review to determine whether the position is properly classified.

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 16th DAY OF DECEMBER, 2015



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