

On appeal, the appellant highlights his provisional experience as a Property Management Services Specialist 3 and states that his duties in that position are the procurement of design and construction projects. Additionally, he states that while employed with the New Jersey Schools Development Authority, he worked in developing scopes of work for new, alteration and renovation projects to be publically bid for construction. Additionally, he identified infrastructure needs and procured consultants for the design of construction bid documents. The appellant provides a letter from Gregory Voronov, Managing Director, Program Operations, New Jersey Schools Development Authority, explaining that Program Officers work with assigned procurement analysts to develop documents necessary to support procurement activities, requests for proposals, and related contract documents. Mr. Voronov also states that the Program Officer is responsible to attend pre-bid meetings and coordinate pre-bid site visits and/or building walkthrough and develop recommendations of awards in the final negotiations of fees for professional services.

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

CONCLUSION

In the present matter, the record demonstrates that Agency Services correctly determined that the appellant is not eligible for the subject examination. Initially, it is noted that 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). The appellant described his experience as a Program Officer with the New Jersey Schools Development Authority on his original application as:

Coordinated and participated within District/NJDOE/NJSDA Working Group Meetings to evaluate, document and manage the planning process for development of school facilities projects. Evaluated previously recommended school programs in comparison to NJSDA programmatic standards. Prepared capacity analysis for identifying and addressing District capacity needs. Prepared internal project recommendation memos for Executive Management review and approval. Created District site visit field reports pertaining to classroom measurements and facility conditions. Prepared complex ad hoc analysis reports, Project Charters and memos. Coordinated project core team meetings. Produced statistical analysis research reports used in determining construction contingency rates. Created and implemented tracking devices for Project Controls used in tracking project budget

contingencies and bid award amounts. Performed as Liaison between Authority and Construction Management Firms from project initiation to project completion. Performed as Construction Manager for Authority on various construction projects. Assisted in the completion and documentation of multiple project transfer and closeout process. Produced multiple Memorandum of Agreements and Memorandums of Understanding.

In *In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007), it was explained that the amount of time and the importance of the duty determines if it is the primary focus. In this case, while the appellant may have performed some duties involving the procurement/purchasing process through competitive bidding as a Program Officer, a review of his information does not establish that he primarily performed the duties required to establish eligibility. Performance of the various general duties he listed on his application would not be considered equivalent to the experience required for the title under test. Additionally, there is no basis on which to relax the controlling regulatory provision to consider the totality of any procurement/purchasing work he may have done as the eligible list is complete and the appellant is not a provisional appointee to the subject title. As such, the appellant is not eligible for the examination.

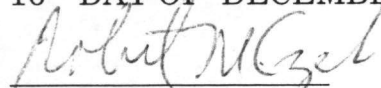
A thorough review of all material presented indicates that the determination of the Division of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. Thus, the appellant has failed to support his burden 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
16TH DAY OF DECEMBER, 2015



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