

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of George Magliulo,  
Chief Operating Engineer 1  
(PS0491J), New Jersey City  
University

Examination Appeal

CSC Docket No. 2016-2035

ISSUED: **NOV 16 2016** (SLK)

George Magliulo appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Chief Operating Engineer 1 (PS0491J), New Jersey City University.

The examination at issue was announced with specific requirements that had to be met as of the April 21, 2015 closing date (see attached). A total of three employees applied for and one was deemed eligible for the subject examination. The list expires on December 23, 2018.

Mr. Magliulo indicated on his application that he was an Operating Engineer 1 from February 2013 to the April 21, 2015 closing date, a Maintenance Senior Lead Person for Maquet Getinge Group from July 2005 to June 2011, a Maintenance Coordinator for Genzyme Biosurgery Corporation from April 2000 to July 2005, a Maintenance Apprentice for Genzyme Biosurgery Corporation from June 1998 to April 2000, a Sales Assistant/Supervisor for Rolla Bros. Automotive/Industrial Tools/Supplies from June 1979 to June 1998, and a Maintenance Mechanical Helper for Eastern of New Jersey from February 1994 to December 1997. He also indicated that he possessed a Red Seal Operator License from March 2014 to the April 21, 2015 closing date. Agency Services credited the appellant with 2 years and 3 months of experience based on his service as an Operating Engineer 1 and with 1 year and 2 months of experience at the level of a Red Seal Operator, but determined that he lacked 2 years of 9 months of the required general experience and 1 year and 2 months of experience at the level of a Red Seal Operator.

On appeal, Mr. Magliulo maintains that he has over 15 years of the required experience which includes his experience for the appointing authority, more than 5 years with Maquet Getinge Group, and more than 5 years with Genzyme Biosurgery Corporation. He presents that he has his Red Seal Operator Engineer License, Blue Seal Refrigeration License and Universal Refrigeration License.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) requires applicants to possess all the requirements specified in an announcement for a promotional examination by the closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

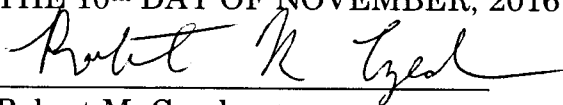
Initially, Agency Services correctly determined that the appellant did not meet the required experience as of the June 22, 2015 closing date as the appellant did not possess two years of experience in a lead worker capacity at the level of a Red Seal Operator. However, the appellant has over 15 years of experience in work involving the operation, maintenance, and emergency repair of power and heating plants and auxiliary equipment based on his experience as an Operating Engineer 1, Maintenance Senior Lead Person, and a Maintenance Coordinator as far back as April 2000. Further, he gained the additional experience performing the required duties in a lead worker capacity at the level of a Red Seal Operator after the closing date. Moreover, the record evidences that the eligible list is incomplete as there is only one name on the eligible list. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept Mr. Magliulo's experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

### ORDER

Therefore, it is ordered that this appeal be granted and Mr. Magliulo'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 10<sup>th</sup> DAY OF NOVEMBER, 2016





Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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: George Magliulo  
Robert Piaskowsky  
Kelly Glenn  
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE PROMOTIONAL ANNOUNCEMENT		<a href="#">Click here to file Online</a>  Print <b>\$25.00 PROCESSING FEE REQUIRED</b> <b>Make Check/Money Order Payable to NJCSC</b>
SYMBOL: PS0491J TITLE: CHIEF OPERATING ENGINEER I ISSUE DATE: April 01, 2015 TITLE CODE: 40444/P4RXR1 DEPARTMENT: HIUJ/STATE COLLEGES & UNIVERSITIES UNIT SCOPE: J300 New Jersey City University	WEIGHT CODE: * SALARY: \$56,408.00 - \$80,019.00 CLOSING DATE: April 21, 2015 CLASS CODE: 22	
Visit <a href="http://www.state.nj.us/csc">www.state.nj.us/csc</a> And select "Job Announcements" to view this announcement and to file an application		
<p>Open to employees in the non-competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s), and meet the requirements listed below:</p> <p style="text-align: center;"><b>Operating Engineer 1</b></p> <p>Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who meet the requirements listed:</p> <p>Experience: Five (5) years of experience in work involving the operation, maintenance, and emergency repair of power and heating plants and auxiliary equipment, two years of which shall have been in a lead worker capacity, at the level of a Red Seal Operator.</p> <p>License: Appointees will be required to possess an Operating Engineer's License (Gold Seal Minimum) issued by the New Jersey Department of Labor and Workforce Development. Proof of the license must be submitted to the employing agency prior to appointment. Failure to do so will result in rejection from the examination process.</p> <p>Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position.</p> <p>The responsibility for ensuring that employees possess the required license(s), commensurate with the class and type of vehicles or systems operated, rests with the Appointing Authority.</p>		
<p style="text-align: center;"><b>IMPORTANT INFORMATION</b></p> <ol style="list-style-type: none"> <li>NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.</li> <li><b>YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.</b> Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.</li> <li>This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.</li> <li>NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.</li> <li>In accordance with Public Law 2010 c.26, <b>Veterans pay a reduced application fee of \$15.00</b> if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. <b>PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.</b></li> <li><b>SPECIAL NOTE TO ALL APPLICANTS</b> Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, <b>YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.</b></li> <li>If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: <a href="mailto:OAS.support@csc.state.nj.us">OAS.support@csc.state.nj.us</a> or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so <b>PLEASE FILE EARLY.</b></li> </ol>		

DPF-256A \* Revised 03/09