

B-12



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Frank Dinizo,  
Supervisor of Building and Grounds  
(PM1548U), Scotch Plains

CSC Docket No. 2017-1886

Examination Appeal

ISSUED: APR 21 2017 (RE)

Frank Dinizo appeals the decision of the Division of Agency Services (DAS) which found that he did not meet the experience requirements for the promotional examination for Supervisor of Buildings and Grounds (PM1548U), Scotch Plains.

The subject examination was issued with specific requirements which had to be met as of the July 21, 2016 closing date (see attached). As there were no admitted candidates, the examination was cancelled on December 7, 2016.

On his application Mr. Dinizo listed one position, provisional Supervisor of Buildings and Grounds from June 1993 to the July 2016 closing date. Official records indicate a different record of employment. These records indicate that the appellant was a provisional Supervisor of Buildings and Grounds for 4 months, from April 2016 to the closing date. Prior to that, he was an Assistant Supervisor Public Works from September 2014 to April 2016. Before that he was an Equipment Operator, a Public Works Repairer, a Public Works Trainee, and a Laborer 1. The duties listed on the application were applicable for his provisional position, so he was credited with 4 months of qualifying experience, and found to be lacking 2 years, 8 months of required experience.

On appeal, the appellant simply states that he appeals. In support of the appeal, the appointing authority states that the appellant possesses at least three years of experience while working out-of-title. It states that he has been responsible for procuring, managing, and budgeting the cleaning crews, office and cleaning supplies, and all inspections. He has also been responsible in the bidding

process for all renovations to township buildings, and supervised employees and vendors for forming those tasks. It states that the appellant has had oversight on the landscaping, cleaning, maintenance, of elevators, and maintains records for the buildings.

*N.J.A.C. 4A:4-2.6(c)* provides that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

## CONCLUSION

At the outset, it is noted that qualifying experience has the announced experience requirement as the primary focus of the position. Additionally, the online application process is automated and provides instructions to candidates on how to properly complete their applications. Eligibility for a given examination is determined based on the information provided on the application. The announcement states, **“You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.”** The Online Application System User Guide repeats, “Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper.” The guide asks candidates to carefully review the application to ensure that it is complete and accurate before submitting, and states, if supplemental documents are required, they should be uploaded with the application or submitted within five business days of submitting the online application. In order to proceed to the payment section, candidates must certify that their applications are complete and accurate.

The appellant clearly did not properly complete his application, as he did not list each of his titles separately, and provide duties for each. As a result, DAS looked for prior applications for clarification. The appellant had filed an application in May 2014 for an examination for Assistant Supervisor of Public Works, his prior title, while he held the title Equipment Operator. On that application, the appellant listed one title, Assistant Supervisor of Public Works, from June 1993 to May 2014. As duties, he stated:

Over 20 years' experience operating all types of heavy equipment and machinery. Install all types of drainage pipes and sanitary sewer pipe. Troubleshoot problems with all public works facilities and repair any problem without any supervision. Able to run a crew effectively and efficiently. Able to perform mechanical repairs to trucks and equipment when needed. Answer phones to assist residents with any type of complaint. Able to perform all public works duties without any

supervision. Very strong background in all phases of construction, including the construction of roads and road repair, and building construction and repair, and supervising jobs in the field.

It was the responsibility of applicants to provide an accurate description of the duties they perform that they feel are relevant to a promotion when filing for an examination, and the duties on the appellant's current application are relevant only to his provisional position. The description of duties provided by the appointing authority directly opposes that of the appellant's description regarding his experience prior to May 2014. While the appointing authority maintains that the appellant worked out-of-title because of "business necessity," even if true, the appellant was only in the Assistant Supervisor of Public Works title for 1 year and 7 months. Therefore, even if he performed out-of-title work while in that position the entire time, he did not accrue an additional 2 years, 8 months of qualifying experience.

An independent review of all material presented indicates that the decision of DAS that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

#### ORDER

Therefore, it is ordered that this request 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 19<sup>th</sup> DAY OF APRIL, 2017

  
\_\_\_\_\_  
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: Frank Dinizo  
Alexander Mirabella  
Kelly Glenn  
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION  
COUNTY AND MUNICIPAL GOVERNMENT SERVICES  
PROMOTIONAL ANNOUNCEMENT



[Click here to file Online](#) Print  
**\$25.00 PROCESSING FEE REQUIRED**  
Make Check/Money Order Payable to NJCSC

SYMBOL: <b>PM1548U</b>	WEIGHT CODE: *
TITLE: <b>SUPERVISOR OF BUILDINGS AND GROUNDS</b>	SALARY: <b>\$60,000.00 - \$90,000.00</b>
ISSUE DATE: <b>July 01, 2016</b>	CLOSING DATE: <b>July 21, 2016</b>
TITLE CODE: <b>03987@/ G4RVR1</b>	JURISDICTION CODE: <b>N20160012</b>
JURISDICTION: <b>SCOTCH PLAINS</b>	
DEPARTMENT: <b>PUBLIC PROPERTY</b>	

Visit [www.state.nj.us/csc](http://www.state.nj.us/csc)  
And select "Job Announcements"  
to view this announcement and to file an application

**Open 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 meet the requirements listed below:**

Experience: Three (3) years of experience in work involving the inspection, cleaning and maintenance of buildings and/or in the care and maintenance of large tracts of grounds, one (1) year of which shall have been in a supervisory capacity.

License: 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. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** 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.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. 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.**
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** 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. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. **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: [OAS.support@csc.state.nj.us](mailto:OAS.support@csc.state.nj.us) or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A \* Revised 03/09

