



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Robert Sircovitch,
Assistant Supervisor of Building
Repairs (PS4865J), Montclair State
University

Examination Appeal

CSC Docket No. 2018-703

ISSUED: April 10, 2018 (RE)

Robert Sircovitch appeals the determination of the Division of Agency Services which found that he did not meet the experience requirements for the promotional examination for Assistant Supervisor of Building Repairs (PS4865J), Montclair State University.

The subject examination announcement was issued with a closing date of May 22, 2017, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the announced requirements. These requirements included two years of supervisory experience in the maintenance and repair of buildings and grounds, which shall have included the preparation of cost estimates and workable shop drawings. The appellant was found to be below the minimum requirements in experience. One candidate appeared on the eligible list, and was appointed on January 8, 2018.

The appellant listed six positions on his application, and two of them were supervisory, Crew Supervisor Plumbing and Steamfitters and Maintenance Supervisor with Amerlux Lighting. As neither position was found to be acceptable, the appellant was found to be lacking two years of applicable experience.

On appeal, the appellant argues that as a Crew Supervisor Plumbing and Steamfitters he provides cost estimates and inspection of needed repairs for leaks, oversees plumbing and equipment issues, and reviews building prints for plumbing and building structure. He states that as a Maintenance Supervisor with Amerlux

Lighting he was in charge of all building maintenance, and read blueprints and shop drawings, and obtained estimates from contractors.

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. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part 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

The appellant was correctly deemed ineligible for the subject examination since he lacked minimum requirements in experience. As a Maintenance Supervisor with Amerlux Lighting, the appellant indicated his duties were, "Responsible for plant maintenance, including plumbing, HVAC pneumatic lines, and electric. Serviced air compressors. Consulted outside contractors for project estimates. Plan installation and location of new automated equipment. Inventoried and ordered stock. Planned work and supervised a mechanic. Also helped the manufacturing department as needed." This experience was not qualifying. First, applicable supervisory experience involves supervising others who are performing the work under announcement, in this case, maintaining and repairing building and grounds. A Mechanic does not perform this work. Additionally, the appellant stated that he consulted outside contractors for project estimates, which is not the same as preparing cost estimates. This experience is inapplicable.

Additionally, the Crew Supervisor Plumbing and Steamfitter supervises a group of plumbers and steamfitters and other employees or inmates engaged in the installation, repair and maintenance of plumbing and steam fitting systems, fixtures and fittings; prepares for work from plans, sketches and specifications; works with hand and machine tools common to the trade; may be required to operate a water treatment plant. 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). An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007).

In this case, the appellant's experience as a Crew Supervisor Plumbing and Steamfitter is too narrow to be acceptable. It involves maintenance and repair of plumbing issues, but this does not involve the scope of buildings and grounds. An

Assistant Supervisor of Building Repairs instructs employees working in plumbing, steam, electric, refrigeration, water and sewerage, carpentry, painting, masonry, sheet metal, repair work, and other types of maintenance. Additionally, the appellant reviews plumbing blueprints, which is different than preparing workable shop drawings. He also is *involved* in preparing cost estimates, which does not establish that he is responsible for them.

In any event, generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect permanent appointments and verifies that the appellants have performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In this case, the appointing authority did not take a position on this appeal. The appellant's experience was specific to plumbing systems and does not cover the scope of the experience requirement. As such, the appellant lacks two years of applicable supervisory experience.

An independent review of all material presented indicates that the decision of Agency Services, that the appellant does 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 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 4TH DAY OF APRIL, 2018



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