



STATE OF NEW JERSEY

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

In the Matters of Amani Shakur,
Manager Sanitation (PM5081C) and
Management Assistant (PM4872C),
Newark

Examination Appeals

CSC Docket Nos. 2022-2690 and 2022-
2682

ISSUED: October 12, 2022 (BS)

Amani Shakur appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the requirements for the promotional examinations for Management Assistant (PM4872C) and Manager Sanitation (PM5081C), Newark. Since these matters concern similar issues, they have been consolidated herein.

Management Assistant (PS4872C) was announced with a November 22, 2021 closing date and required that all applicants possess a Bachelor's degree from an accredited college or university plus one year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. The promotional announcement also stipulated that applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis.

Manager Sanitation (PM5081C) was announced with a December 21, 2021 closing date and required that all applicants possess five years of supervisory experience in work involving the collection and disposal of solid waste material.

The appellant submitted applications for both examinations on which he indicated that, although he did not possess a Bachelor's degree or college credits, he had completed the Certified Public Managers Program at Rutgers University. The

appellant also indicated that he possessed experience as a Manager (September 2007 to the closing date).¹ Agency Services concluded that the appellant did not possess any applicable qualifying experience for either of the subject promotional examinations. Consequently, the appellant was deemed ineligible for both.

On appeal, the appellant indicates that he was designated by the former Director of Public Works to act in the capacity of a Management Assistant/Manager in August 2018 and that he has continued to perform these duties. The appellant claims that he was also designated “Fleet Manager” and that he has served in the capacity of Manager in the Public Works Department. The appellant asserts that he was appointed provisional Management Assistant, effective March 10, 2022, and he is also qualified to serve as Manager Sanitation. The appellant argues that “someone is overlooking my promotion in this matter of permanency.”

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants for promotional examinations shall meet all requirements in the promotional examination by the announced closing date, including submitting an application and any additional supplemental information on or before the announced application filing deadline. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

Management Assistant is a professional-level title in that its minimum requirements call for either a Bachelor’s degree or its equivalent in substitutable experience. Since the appellant does not possess a Bachelor’s degree or any college credits, he would need a total of five years of the experience stipulated to satisfy the requirements for Management Assistant. None of the positions held by the appellant are professional-level experiences as described herein in that none of them require the possession of a Bachelor’s degree. As a result, the appellant cannot substitute experience gained in any of the titles he has held in lieu of the required Bachelor’s degree. Further, completion of the Certified Public Manager’s Program cannot be substituted in lieu of the required college degree. Even if the appellant performed applicable duties in those titles at the appropriate level, such experience would be considered out-of-title which cannot generally be credited absent specific verification by the appointing authority. Accordingly, the Commission finds that the appellant was correctly deemed ineligible for the Management Assistant promotional

¹ Agency records indicate that the appellant served as a Supervisor Motor Pool (August 2018 to the closing date), provisional Sanitation Superintendent (June 2017 to July 2018), Supervising Equipment Operator (January 2011 to May 2017), and Equipment Operator (May 2004 to December 2010).

examination because he lacks five years of experience per the substitution clause for education.

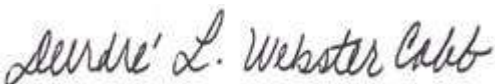
The Commission further finds that the appellant does not satisfy the requirements for Manager Sanitation. Specifically, the primary focus of Supervisor of Motor Pool is supervising and coordinating the activities of a unit involved in scheduling the use, assignment, and maintenance of motor vehicles. None of the responsibilities of any of the appellant's experience involve supervisory experience in work involving the collection and disposal of solid waste material as required of the Manager Sanitation title. While the appellant briefly held the Sanitation Superintendent title, he failed to list this position on the application he submitted or describe any of his relevant duties while serving in this capacity. Even if he had, he only served in this title for one year and two months, far short of the five years of supervisory experience required for Manager Sanitation. Further, any responsibilities the appellant may have assumed in the areas required of Manager Sanitation while serving as a Supervisor of Motor Pool would constitute out-of-title work which generally cannot be used as qualifying experience for promotional examinations announced with open-competitive requirements without specific verification by the appointing authority. As a result, the Commission has concluded that the appellant does not satisfy the requirements for either of the subject promotional examinations.

ORDER

Therefore, it is ordered that these appeals 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 12TH DAY OF OCTOBER, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Nicholas F. Angiulo
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Amani Shakur
Tiffany Stewart
Division of Agency Services
Records Center