



B-37

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Stuart Cobb,
Occupational Safety Consultant 2
(S0186T), Statewide

CSC Docket No. 2016-572

Eligibility Appeal

ISSUED: **NOV 10 2015** (LDH)

Stuart Cobb appeals the determination of the Division of Agency Services (DAS) that he did not meet the experience requirements for the open-competitive examination for Occupational Safety Consultant 2 (S0186T), Statewide.

The subject open-competitive examination was announced with a closing date of April 2, 2015 and was open to applicants who possessed a Bachelor's degree and two years of experience in the identification, analysis, and/or solution of workplace safety hazards involving the application of Federal Occupational Safety and Health Act (OSHA) regulations and/or nationally recognized safety standards. The subject eligible list containing 13 names, promulgated on July 16, 2015 and expires on July 15, 2018. Two certifications were issued on July 17, 2015 and a third certification was issued on July 24, 2015. None of the certifications have been disposed of.

On his application, Cobb indicated that he possessed a Bachelor's degree and listed four positions, Field Technician 3, Field Assistant, New Jersey Watershed Ambassador and Senior Grounds Worker. He also submitted a resume. In relevant part, he indicated that as a Field Technician 3 he conducted on-site consultations and advised clients regarding health and safety issues on job sites. In addition, he indicated that he assisted with the development and implementation of hazard controls and prevention methods. Based on a review of the information he submitted, he was not credited with any applicable experience.

On appeal to the Civil Service Commission (Commission), Cobb argues that he meets or exceeds the minimum experience requirements. In this regard, he highlights his employment as a Field Technician 3 as relevant experience. Specifically, Cobb states that he managed and solved problems pursuant to policies and Standard Operating Procedures. He also details the various training programs that he completed which included OSHA Construction Safety and OSHA Hazardous Waste Operations and Emergency Response. Cobb states that he has been employed provisionally in the subject title since March 2015. In support, he submits, *inter alia*, a letter from Mary Fitzgerald, Director of Human Resources and Labor Relations, Department of Labor and Workplace Development, in which she maintains that Cobb meets the experience requirements for the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open-competitive announcement by the closing date. In the instant matter, DAS correctly determined that none of Cobb's listed experience was applicable. Cobb maintains on appeal that his experience as a Field Technician 3 was applicable and should have been credited. However, 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 amount of time, and the importance of the duty, determines whether it is the primary focus. In addition, an experience requirement that lists a number of duties which define the primary experience requires that the applicants demonstrate that they primarily performed all those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. A review of Cobb's description of duties for each of his positions indicates that they did not have the announced experience requirement as the primary focus. Thus, Cobb lacks two years of qualifying experience.

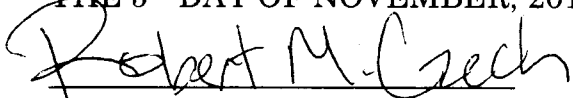
Finally, the fact that Cobb has been employed provisionally in the subject title since March 2015 is irrelevant. The provisional experience was not listed on his application and even if it was, it would give Cobb only one month of qualifying experience. Accordingly, the record reflects that Cobb did not meet the announced requirements by the closing date, and there is no basis to disturb the decision from DAS.

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 5th DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Stuart Cobb
 Mary Fitzgerald
 Kelly Glenn
 Joseph Gambino

