

B-35



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sean Swartz,
Assistant Engineer In Charge of
Maintenance 1 (PS2167I), New
Jersey State Prison

Examination Appeal

CSC Docket No. 2017-1121

ISSUED: **JAN 20 2017** (SLK)

Sean Swartz 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 Assistant Engineer In Charge of Maintenance 1 (PS2167I), New Jersey State Prison.

The examination at issue was announced with specific requirements that had to be met as of the February 22, 2016 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On Mr. Swartz's application, he indicated that he was provisionally serving in the subject title from September 2015 to the February 22, 2016 closing date, a Crew Supervisor Building Maintenance Programs from June 2012 to September 2015, an Electrician from August 2008 to June 2012, and a Lead Forman for Joric, Inc. from June 2001 to August 2008. Agency Services credited him with three years and nine months of experience for his provisional service in the subject title and his service as a Crew Supervisor Building Maintenance Programs, but determined that he lacked three months of the required experience.

On appeal, Mr. Swartz asserts that he obtained the required experience after the closing date. Additionally, he submits a letter from John Elfo, Manager, Office of Human Resources, who indicates that Mr. Swartz was provisionally appointed to the subject title in September 2015 due to business necessity. Therefore, since the

examination is not competitive as the list is incomplete, he requests that the Commission relax the rules and admit the appellant.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement 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.

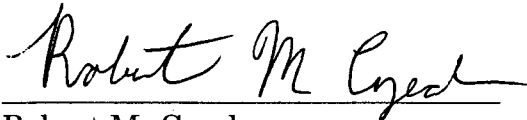
Based on his application, Agency Services correctly determined that Mr. Swartz did not meet the required experience as he only had three years and nine of the required experience as of the February 22, 2016 closing date. However, the appellant gained the additional required experience while serving provisionally after the closing date. Moreover, the record evidences that the examination was cancelled due to a lack of qualified candidates. Further, he continues to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept Mr. Swartz's provisional service in the subject title after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed.

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 18th DAY OF JANUARY, 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: Sean Swartz
Jennifer Rodriguez
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PS21671

WEIGHT CODE: *

TITLE: ASSISTANT ENGINEER IN CHARGE MAINTENANCE 1

SALARY: \$61,784.00 - \$87,820.00

ISSUE DATE: February 01, 2016

CLOSING DATE: February 22, 2016

TITLE CODE: 42425/B4RXR2

CLASS CODE: 24

DEPARTMENT: COIT/CORRECTIONS

UNIT SCOPE: I345 New Jersey State Prison (Trenton)

Visit 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 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):

Assistant Engineer in Charge Maintenance 2

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 meet the requirements listed below:

Experience: Four (4) years of supervisory experience in charge of the operation and maintenance of utilities and maintenance programs of an institution, college or similar multi-building complex.

Note: A Bachelor's degree in Engineering may be substituted for two (2) years of the required experience. You must specify the type of degree you have on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

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, including assignment to the department and unit scope, must be met as of the closing date.
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- 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.
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.
6. SPECIAL NOTE TO ALL APPLICANTS 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, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. 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 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 PLEASE FILE EARLY.

DPF-256A * Revised 03/09