

In the Matter of Charles DiGiacomo, Contract Administrator 1 (PS3968G), Department of Environmental Protection

CSC Docket No. 2017-3361

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: MAY 7, 2018 (CSM)

Charles DiGiacomo appeals the determination of the Division of Agency Services (Agency Services) which found that, per the substitution clause, he was below the minimum requirements in experience for the promotional examination for Contract Administrator 1 (PS3968G), Department of Environmental Protection.

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The examination at issue was announced with specific requirements that had to be met as of December 21, 2016. The requirements were possession of a Bachelor's degree from an accredited college or university and two years of experience involving contract/grant work, project financing, construction management, fiscal administration, social service administration, and/or budget management operations of a government or business entity, at least one year of which shall have involved responsibility for some aspect of contract/grant administration. Applicable experience as indicated could be substituted for the required education on a year-for-year basis. A total of four applicants applied for the subject examination which resulted in a list of two eligibles with an expiration date of April 5, 2020.

The appellant indicated on his application that he was an Engineering Technician 1 from April 1984 to the closing date, December 2016. The appellant indicated possession of six college credits. Agency Services credited the appellant with two months of experience based on his completed college credits, but the remainder of his experience inapplicable. Thus, the appellant would need an additional five years and ten of experience to qualify for the examination.

On appeal, the appellant states that his element has a low interest program for the construction of water and wastewater plants, water, wastewater and storm water systems, and combined sewer overflow abatements. The appellant states that his duties include the responsibility to make sure the provisions of the contracts are adhered to. The appellant details his duties and maintains that he should be admitted to the subject examination.

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.

CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant is not eligible for the examination. Incumbents in the Engineering Technician 1 title primarily supervises two or more units engaged in engineering support functions. As such, experience required to establish eligibility for the subject examination would be considered out-of-title work for incumbents in this title. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. The appellant has not submitted documentation from the appointing authority with his appeal indicating that he was required to primarily perform the asserted out-of-title duties and he is not a provisional incumbent in the title. Therefore, no basis exists to accept any asserted out-of-title experience. As such, he was properly deemed ineligible for the subject examination.

A thorough review of all material presented indicates that the determination of the Division of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. 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 2nd DAY OF MAY, 2018

Derrare' L. Webster Cabb

Deirdre L. Webster Cobb Chairperson Civil Service Commission

Inquiries and Correspondence

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Charles DiGiacomo c. Kelly Glenn