

In the Matter of Michael Silvestri, Building Management Services Specialist 2 (PS4100Q), Public Defender

CSC Docket No. 2017-3359

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: MAY 7, 2018 (CSM)

Michael Silvestri appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the promotional examination for Building Management Services Specialist 2 (PS4100Q), Public Defender.

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The examination at issue was announced with a closing date of December 21, 2016. In pertinent part, the requirements were graduation from an accredited college or university with a Bachelor's degree and three years of experience in the coordination and/or implementation of building management programs including building/property operations analysis, program development, organizational and/or fiscal planning, and/or cost efficiency programs, special building service programs or a related field. A Master's degree in Public Administration, Business Administration or a closely related field could be substituted for one year of the required experience. The subject examination was cancelled on April 28, 2017 since the appellant was the only applicant.

The appellant indicated on his application that he was serving provisionally in the title under test from December 2015 to the closing date, December 2016. From May 2014 to December 2015 he was a Property Management Services Specialist 2 and from January 2013 to May 2014 he was an Assistant Engineer. From July 2012 to January 2013 he was a Civil Engineer Trainee. The appellant also indicated experience in private industry as a Security Officer and State Crew. The appellant possesses a Bachelor's degree. Agency Services credited the appellant with two years and eight months of experience based on his provisional service in the title under test and experience as a Property Management Services

Specialist 2, but determined that the remainder of his experience was not applicable. Therefore, he would need an additional four months of experience to qualify for the examination.

On appeal, the appellant highlights his provisional service in the title under test and maintains that he has been performing the required duties for three years.

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:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purpose of Title 11A, New Jersey Statutes.

CONCLUSION

In the present matter, a review of the documentation demonstrates that initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. As of the announced closing date, the appellant only had two years and eight months of applicable experience and he would need an additional four months to establish eligibility for the subject examination. However, the subject examination has been cancelled since the appellant was the only applicant and he continues to serve provisionally in the title under test. As such, good cause exists to accept the appellant's provisional experience after the closing date and admit him to the subject examination. He now has more than three years of the required experience.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed for prospective employment opportunities only.

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

Derdre' L. Webster Cabb

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Chairperson

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