



**STATE OF NEW JERSEY**

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

In the Matter of Ryan Sharkey,  
Building Management Specialist 4  
(PS7332RN), Board of Public Utilities

Examination Appeal

CSC Docket No. 2018-3491

**ISSUED: JULY 20, 2018** (SLK)

Ryan Sharkey appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Building Management Specialist 4 (PS7332RN), Board of Public Utilities.

The examination at issue was announced with specific requirements that had to be met as of the April 23, 2018 closing date. The education requirement was a Bachelor's degree. The experience requirement was one year 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, security or a related field. Applicants who did not possess the required education could substitute, in addition to the required experience, applicable experience on a year to year basis, with 30 semester hour credits being equal to one year of experience. The appellant was the only employee who applied for the subject examination. As the appellant was determined ineligible, the examination was cancelled.

Personnel records indicate that the appellant was provisionally serving in the subject title from November 2017 to the April 23, 2018 closing date, a Principal Stock Clerk from May 2014 to November 2017 and a Judiciary Clerk Driver from December 2013 to May 2014. Further, the appellant indicated on his application, in addition to other experience, that he was a Facilities Maintenance Section

Head/Ammunition Technician from June 2006 to June 2010 for the United States Marine Corps. Agency Services determined that the appellant had four years and seven months of experience based on six months for his provisional service in the subject title and four years and one month for his service as a Facilities Maintenance Section Head/Ammunition Technician, but determined, per the substitution clause, that he lacked five months of experience.

On appeal, the appellant submits a letter from the appointing authority that confirms that the appellant has been performing the required out-of-title duties since February 2017 while serving as a Principal Stock Clerk due to business necessity.

### **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. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

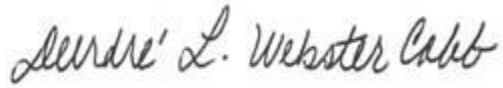
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. Any relevant experience the appellant gained as a Principal Stock Clerk would be out-of-title-work. However, the appointing authority confirmed that the appellant performed the required duties as a Principal Stock Clerk since February 2017 due to business necessity. Additionally, the examination has been cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title experience, for eligibility purposes only, and admit him to the examination.

### **ORDER**

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Ryan Sharkey'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 18<sup>th</sup> DAY OF JULY, 2018



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