

STATE OF NEW JERSEY

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

In the Matter of Peter A. Baron,
Building Management Services
Specialist 3 (PS7798U), Office of
Information Technology

Examination Appeal

CSC Docket No. 2019-1919

ISSUED: January 22, 2020 (BS)

Peter A. Baron appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the requirements for the promotional examination for Building Management Services Specialist 3 (PS7798U), Office of Information Technology.

The examination at issue was announced with experience requirements which had to be met as of the announced closing date of June 21, 2018. Specifically, all applicants had to possess a Bachelor’s degree from an accredited college or university plus two 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, security, or a related field. The examination announcement also stipulated that applicants who did not possess the required education could substitute experience as indicated above on a year-for-year basis with 30 semester credit hours being equal to one year of experience. Records indicate that a promotional list promulgated on January 17, 2019 containing the names of two qualified applicants.

The appellant filed an application on which he indicated that he did not possess a Bachelor’s degree or any college credits. This meant that he would need a total of six years of the required experience to qualify per the substitution clause for education. The appellant indicated that he possessed experience as a provisional Building Management Services Specialist 3 (11/17 to the closing date), Crew Supervisor, Building Maintenance (10/12 to 10/17), Electrician (1/08 to 9/12), and Inside Wireman/Electrician (5/88 to 12/07). Agency Services concluded that, as of the closing date, the appellant only possessed five years and nine months of

applicable experience as a provisional Building Management Services Specialist 3 and Crew Supervisor, Building Maintenance. None of the remaining positions listed on his application involved responsibilities in the required areas. As a result, the Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that he satisfies the subject requirements. The appellant claims that he has worked in building management for the last ten years during his tenure with the State of New Jersey. His duties included maintenance tasks, development of maintenance programs, supervising contract vendors, and scheduling and planning of work activities, among other related duties.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant lacked a Bachelor's degree or any applicable college credits and only possessed five years and nine months of applicable experience as a provisional Building Management Services Specialist 3 and Crew Supervisor, Building Maintenance. The appellant needed a total of three additional months of experience as of the closing date to satisfy the subject requirements per the substitution clause for education. Although on appeal the appellant claims to have performed appropriate duties while serving as an Electrician and Inside Wireman/Electrician, the duties he described performing in these titles did not rise to the level and scope of those required of the subject position. Therefore, he was correctly deemed ineligible for the subject promotional examination.

However, in the instant matter, the Civil Service Commission (Commission) notes that the appellant continues to successfully serve as a provisional in the subject position, giving him in excess of the three months of experience he lacks per the substitution clause for education. Additionally, the promotional eligible list is incomplete in that it only contains the names of two qualified applicants, one of whom is also a provisional Building Management Services Specialist 3. Therefore, this is not a competitive situation. Under these circumstances, the Commission accepts the appellant's experience gained after the closing date as a provisional Building Management Services Specialist 3, for eligibility purposes only, which will

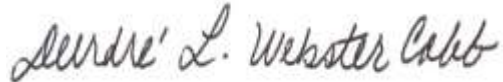
allow him the opportunity to be tested and be considered for a permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted.

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 15TH DAY OF JANUARY, 2020



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