



STATE OF NEW JERSEY

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

In the Matter of Edward Gorski,
Management Assistant (C1052A),
Cape May County

Examination Appeal

CSC Docket No. 2020-2687

ISSUED: JANUARY 22, 2021 (ABR)

Edward Gorski appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the open competitive examination for Management Assistant (C1052A), Cape May County.

The examination was open to applicants who possessed a Bachelor’s degree and one year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures as of the November 21, 2019 closing date. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis (with 30 semester hour credits being equal to one year of experience). The subject eligible list, containing five names, promulgated on June 4, 2020 and expires on June 3, 2023. A certification containing the names of the five eligibles was issued on June 8, 2020. It is noted that the Civil Service Commission (Commission) granted the appointing authority’s request for a waiver of the appointment requirement, but it assessed the appointing authority with selection costs. *See In the Matter of Management Assistant (C1052A), Cape May County* (CSC, decided January 20, 2021),

On his application, the appellant stated that he completed 31 semester hour credits but did not possess a Bachelor’s degree. Therefore, pursuant to the substitution clause for education, he needed to possess four years of applicable experience for the subject examination. With regard to his experience, the appellant listed that he served in a police capacity from January 1992 to November

2017 with the Borough of Wildwood Crest. He noted that he was a “Police Corporal” from 2007 to 2010; a Police Sergeant from 2010 to 2016; and a Police Lieutenant/Patrol Commander from 2016 to 2017. Agency records specifically indicate that the appellant served with the Borough of Wildwood Crest as a Police Lieutenant from June 2016 to November 2017; as a Police Sergeant from September 2010 to June 2016; and as a Police Officer from January 1992 to September 2010.¹

Upon review of his application, Agency Services did not credit the appellant with any applicable experience for the subject examination because law enforcement was the primary focus of his duties, rather than complex administrative support work, as required. Accordingly, the appellant was deemed ineligible for the subject examination.

On appeal, the appellant argues that the totality of his experience should have been deemed applicable. In particular, he emphasizes that as a Police Lieutenant, he was in charge of administration. In addition, he submits that throughout his law enforcement career, he developed a knowledge of departmental rules and regulations, as well as standard operating procedures. He adds that as a Police Sergeant and as a Police Lieutenant, he assisted in reviewing, rewriting and applying rules, regulations and procedures. He also wrote press releases and was the main evidence custodian. Moreover, the appellant notes that as a supervisory officer he compiled public safety data and personnel information for departmental review and external reporting purposes, conducted internal affairs investigations, scheduled and staffed events, and assisted in configuring the biweekly payroll. He also notes that he has been the Lead Domestic Violence Instructor at the Cape May County Police Academy since 2006. Therefore, he requests admittance to the subject examination.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. *N.J.A.C.* 4A:4-2.1(f) indicates that an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, Agency Services correctly determined that the appellant was ineligible for the subject examination. In this regard, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Here, per the substitution clause for education, the appellant was required to possess four years of experience in *complex*

¹ Agency records also indicate that the appellant worked in Cape May County as a Security Guard from May 1, 2018 to October 26, 2020.

administrative support work which included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures (emphasis added). A review of the appellant's application and appeal fails to demonstrate that the required experience in complex administrative support work was the primary focus of any position that the appellant held. Rather, the record demonstrates that administrative support work was an incidental portion of the appellant's duties as a law enforcement officer. In other words, the primary focus of his Police Sergeant and Police Lieutenant positions was line supervision although he may have had duties involving administration and staffing.

In that regard, it is noted that the amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties, which define the primary experience, requires that an applicant demonstrate that he or she primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See e.g., In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007) and *In the Matter of Karen Conti* (CSC, decided April 19, 2017). Furthermore, each position has only one primary focus, and positions cannot have two primary foci. *See In the Matter of Julio Vega* (CSC, decided November 21, 2018). To some degree, nearly all titles require incumbents to apply administrative policies and procedures in the execution of their duties. At the most basic level, an employee could arguably "administer" almost anything as part of his or her regular work duties. Thus, the open competitive requirements for an examination must be evaluated in relation to both the level of the position and what actual experience would provide a logical nexus to the primary focus of the title. *See e.g., In the Matter of Kimberly Morris* (MSB, decided September 21, 2005). Upon review, the appellant's law enforcement experience does not meet the requirements for the title under test.

Furthermore, the appellant lists additional experience on appeal. However, as set forth in *N.J.A.C. 4A:4-2.1(f)*, an application may only be amended prior to the announced closing date. Nonetheless, his experience as a Lead Domestic Violence Instructor does not provide him with applicable experience. Therefore, based on the foregoing, it was properly determined that the appellant did not possess any applicable experience for the subject examination as of the closing date. Accordingly, the appellant has not met his burden of proof and there is no basis to disturb the decision of Agency Services.

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 20^H DAY OF JANUARY 2021

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