



STATE OF NEW JERSEY

In the Matter of Eric Bulwith,
Senior Management Assistant
(M0251D), Jersey City

CSC Docket No. 2023-855

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

Request for Reconsideration

ISSUED: December 21, 2022 **(RE)**

Eric Bulwith petitions the Civil Service Commission (Commission) for reconsideration of the decision rendered on September 21, 2022, which denied his appeal regarding his ineligibility for the open-competitive examination for Senior Management Assistant (M0251D), Jersey City.

In the prior decision, the Commission explained that the requirements for the examination were graduation from an accredited college or university with a Bachelor’s degree, and two years 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. Applicants who did not meet the education requirement could substitute experience on a year-for-year basis, with 30 semester hour credits equal to one year of experience. The petitioner possessed no college credits, and as such, he was required to possess six years of required experience per the substitution clause for education. The Commission found that the petitioner did not list, or include any duties on his application for his provisional appointment as a Senior Management Assistant. In his initial appeal, he indicated that he was not in the Municipal Court, as according to his record, but was in the Division of Housing Preservation, and he believes he is an Assistant Director. As a result, the Commission referred the classification of the petitioner’s position to the Division of Agency Services for a classification review.

In the present matter, the petitioner argues that there are errors in the decision. Specifically, he claims that he provided a resume with his application, he

did not provide a wrong resume in his appeal, he does not work in the Municipal Court, there is no evidence that six years of experience is the substitution for a Bachelor's degree, and in his Deputy Court Administrator position he performed duties that matched the announced experience requirement.¹

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error occurred, or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In this case, the petitioner has not met the standard to grant reconsideration. The petitioner's concerns were addressed in the prior decision and he has not demonstrated that a clear material error has occurred or presented any new information which would change the outcome. The petitioner stated in his appeal, "In the excitement of applying for this title I made a foolish mistake of forwarding the wrong resume," and he provided a resume with his appeal. Nonetheless, the petitioner did not provide a resume with his application or with any prior application. Regardless, even assuming he did supply his resume initially, neither it nor his updated resume establish his eligibility for the subject position. Also, the Commission acknowledged that the petitioner indicated that he was not in the Municipal Court, as according to his personnel record, but is in the Division of Housing Preservation. In this regard, the appointing authority should correct the petitioner's official record if this is the case. Regardless, this has no bearing on the petitioner's eligibility for the position.

The Commission indicated that the petitioner required six years of experience per the substitution clause for education. Two years of experience were required, and four years of experience could be substituted for the required Bachelor's degree. As the petitioner has no Bachelor's degree or college credits, he is required to possess six years of applicable experience to establish eligibility. Finally, a Deputy Municipal Court Administrator is responsible for assisting in supervising and/or performing quasi-judicial and administrative functions related to the operation of a municipal court. The petitioner's duties for this position match this definition. As the primary focus of the petitioner's duties in this position do not match the requirements for the subject position, this is not applicable experience.

Accordingly, the petitioner has failed to present a basis for reconsideration of this matter since he failed to establish that a clear material error occurred in the

¹ The petitioner also argues that he was not given a copy of a Position Classification Questionnaire (DPF-44) to complete. In this regard, the petitioner was subsequently sent this document as a result, but it is always available on the Commission's website.

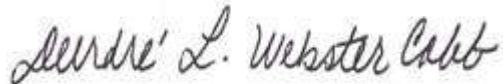
original determination or that new evidence presented would change the outcome of the appeal.

ORDER

Therefore, it is ordered that this petition 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 21st DAY OF DECEMBER, 2022



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