



**STATE OF NEW JERSEY**

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

In the Matter of Paul Diulio,  
Assistant Engineer in Charge of  
Maintenance 2 (PS7251H),  
Department of Health

Examination Appeal

CSC Docket No. 2023-136

**ISSUED:** February 1, 2023 (RE)

Paul Diulio appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Assistant Engineer in Charge of Maintenance 2 (PS7251H), Department of Health.

The subject examination announcement was issued with a closing date of December 21, 2021. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. In pertinent part, these included three years of supervisory experience in charge of the operation and maintenance of utilities and maintenance programs of an institution, college, or similar multi-building complex. The appellant was determined to be ineligible for being below the minimum requirements in experience. Three candidates appear on the resulting eligible list, which promulgated on June 30, 2022, and two have been appointed.

On his application, the appellant listed the following positions: Institutional Trade Instructor (ITI) 2 Laundry, ITI 1 Laundry, Human Services Technician, Head Maintenance Worker, Human Services Assistant, Senior Building Maintenance Worker, Head Maintenance Worker, and an unnamed position for an unknown amount of time with Harvest Village. Official records show a similar yet different employment history. His application is correct for the ITI2 Laundry, ITI 1 Laundry, Human Services Assistant, and Senior Building Maintenance Worker positions. However, the appellant was a ITI 1 Landscaping for over nine years, when he

indicated he was a Human Services Technician. Additionally, the appellant has not had a position as a Head Maintenance Worker, but he was a Human Services Technician during that period of time that he listed for his first position in this title. None of this experience was accepted, and the Division of Agency Services (Agency Services) found him to be lacking three years of supervisory experience.

On appeal, the appellant states that he has worked for the appointing authority for 32 years and argues that he accrued applicable experience in the title ITI2 Laundry, and he provides some duties of this position and describes knowledge that he has acquired. He argues that his qualifications are similar to those of the admitted candidates.

### CONCLUSION

*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:2-1.4(c) states that the burden of proof shall be on the appellant.

The appellant was denied admittance to the subject examination since he lacked at least three years of supervisory experience in work involving the operation and maintenance of utilities and maintenance programs of an institution or similar multi-building complex. In order for experience to be acceptable, it must mirror the experience required in the examination announcement. In addition, 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). An experience requirement that lists a number of duties, which define the primary experience, requires that the applicants demonstrate that they 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 In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007).

The appellant's experience as a ITI2 Laundry is not acceptable as it is a non-supervisory title. Rather, it is considered a lead worker title as the ITI2 Laundry incumbent trains and oversees inmates or clients and, as required, assigns tasks to subordinate employees and takes the lead in work activities in the area of laundry. This does not involve utilities and maintenance programs, such as those of buildings and grounds. His remaining positions are also not supervisory, and as such, are not creditable. Finally, the eligibility of other candidates has no bearing on this determination.<sup>1</sup>

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<sup>1</sup> It is noted that the Division of Agency Services re-reviewed applications for the subject examinations as an administrative error was found which credited ITI2 Laundry experience as applicable. The review revised scores and eligibility for the examination, resulting in one originally admitted candidate to be removed from the list..

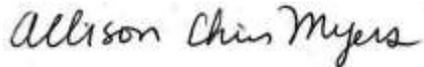
The appellant was denied admittance to the subject examination since he lacked the minimum requirements in experience. An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

**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 1<sup>ST</sup> DAY OF FEBRUARY, 2023



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