



STATE OF NEW JERSEY

In the Matter of Nazhat Aboobaker	:	FINAL ADMINISTRATIVE ACTION
and Khalid Shaikh, Administrative	:	OF THE
Analyst 4 (PS0785T), Department of	:	CIVIL SERVICE COMMISSION
Transportation	:	
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CSC Docket Nos. 2021-58 and 2021-59	:	Examination Appeals
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ISSUED: NOVEMBER 6, 2020 (SLK)

Nazhat Aboobaker and Khalid Shaikh appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the requirements for the promotional examination for Administrative Analyst 4 (PS0785T), Department of Transportation. These appeals have been consolidated due to common issues presented.

The subject promotional examination had a closing date of October 21, 2019, and 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 met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor’s degree and four years of experience in work involving the review, analysis and evaluation of budget, organization, administrative practices, operational methods, management operations or data processing applications, or any combination thereof, which shall have included responsibility for the recommendation, planning and/or implementation of improvements in a business or government agency. A Master’s degree in Public Administration, Economics, Finance or Accounting could substitute for one year of indicated experience. A total of 13 employees applied for the subject examination and six were admitted. The test has yet to be administered.

On her application, Aboobaker indicated that she possessed a Doctorate degree in Civil Engineering, a Master’s degree in Environmental Engineering, a Master’s degree in Business Administration and a Bachelor’s degree in Civil Engineering.

Personnel records indicate that she was a Project Management Specialist 2 from November 2017 to the October 21, 2019 closing date, a Principal Engineer, Transportation from July 2016 to November 2017, a Senior Engineer, Transportation from September 2015 to July 2016, an Assistant Engineer, Transportation from June 2013 to September 2015, a Principal Engineer, Transportation from November 2011 to June 2013, an Assistant Engineer, Transportation from June 2009 to November 2011, a Civil Engineer Trainee from May 2008 to June 2009, a Principal Engineer, Transportation Research from December 2004 to May 2008, a Senior Engineer, Transportation Research from October 2002 to December 2004, an Assistant Engineer, Transportation from March 2002 to October 2002, and a Civil Engineer Trainee from March 2001 to March 2002. Agency Services credited her with having met the education requirements and having one year of experience based on her Master's degree in Business Administration but determined that she lacked three years of applicable experience.

On his application, Shaikh indicated that he had a Master's degree in Transportation Engineering and a Bachelor's degree in Civil Engineering. Personnel records indicate that he was a Project Engineer, Planning from April 2017 to the October 21, 2019 closing date, a Principal Engineer, Planning from December 2005 to April 2017, a Senior Engineer, Transportation from November 2002 to December 2005, an Assistant Engineer, Transportation from September 2000 to November 2002, and a Civil Engineer Trainee from September 1999 to September 2000. Agency Services credited him with having met the education requirement, and two years and seven months of experience based on his Project Engineer, Planning experience, but determined that he lacked one year and five months of experience.

On appeal, Aboobaker presents that as a Project Management Specialist 2, she spends 25 percent of her time managing projects and programs, 25 percent of her on engineering duties and 25 percent of her time on the overall analysis of a specialized area (Division programs), review, analysis and evaluation of budget, organization, administrative practices, operational methods, management operations and data processing applications. She claims that she spends more than 25 percent of her time performing Administrative Analyst duties and that all her suggestions for the improvement of the planning, operation and business operations with Local Government transportation programs reflect on the appointing authority's improvement. She states that more than 25 percent of time goes to planning for funding her programs, analyzing the past budget and forecasting future required budget and funding for her programs. Aboobaker indicates that she that she is responsible for analyzing the needs and recommendations as revised by the appointing authority's Division of Budget and that is submitted to the Governor's Office. Thus, she argues that she eight years of experience primarily performing the require duties plus another year of experience based on her Master's degree for a total of nine years of experience.

Shaikh presents that he was credited for his Project Engineer, Planning experience. He asserts that his duties as Principal Engineer, Planning were the same as Project Engineer, Planning except that he now supervises additional higher-level staff. He states that as a Principal Engineer, Planning, he has almost 10 years of professional public sector experience focused on addressing safety, transportation engineering and planning needs and issues in cooperation with a diverse set of transportation partners and stakeholder. Shaikh explains that this experience includes the review, analysis and evaluation of budget, organization, administrative practices, operational methods and management operation. He describes in detail the duties that he performed and why he believes they provides him the required experience. Shaikh also notes that he supervises a Contract Administrator 2 who was determined eligible for the subject examination. Additionally, he indicates that while serving as a Principal Engineer, Transportation, he performed Contract Administrator 2 duties as a well. He asserts that he had direct responsibility for the overall operational analysis that involves recommendations, planning and implementation. Shaikh argues that he should be credited for his Principal Engineer, Planning experience from 2010 through 2016.

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: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.

N.J.A.C. 4A:4-6.3(b) provides, in pertinent part, that the appellant shall have the burden of proof in examination appeals.

In these matters, Agency Services correctly determined that the appellants were not eligible for the subject examination. Concerning Aboobaker, a review of the job specifications for the titles that she served in and the descriptions of her duties on her application and appeal, indicate that her primary duties in these positions was engineering project management work. While on appeal she indicates that she spends 25 percent of her time performing analysis, she is not spending the majority of her time performing the required duties. 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).

Regarding Shaikh, when reviewing the Principal Engineering, Planning job specification, while incumbents in this title perform data analysis, the primary focus

is on engineering data and not performing the required duties. Therefore, either Shaikh was not primarily performing the required duties in this title and this is not applicable experience, or if he was, this would be considered inapplicable out-of-title work under *N.J.A.C. 4A:4-2.6(c)*. In this regard, there would not be good cause to accept such out-of-title experience as there are a sufficient number of eligible applicants. Concerning Shaikh's comments that he received credit from Agency Services for his Project Engineer, Planning experience, where he performs the same duties that he performed as a Principal Engineer, Planning, except now he is also a supervisor, the Civil Service Commission need not decide if his Project Engineer, Planning experience was applicable as he has not served in this title for a sufficient time to be eligible without receiving credit based on other experience. Referring to Shaikh's comments that he is supervising a Contract Administrator 2 who was determined eligible for the subject examination, a review of the record indicates that this eligible was not admitted based on his Contract Administrator 2 experience but based on other applicable experience.

ORDER

Therefore, it is ordered that these appeals 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 4TH DAY OF NOVEMBER 2020

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