



STATE OF NEW JERSEY

In the Matter of Thomas Lira,
Assistant Engineer (CO203C),
Essex County

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

CSC Docket No. 2022-764

Examination Appeal

**ISSUED: DECEMBER 20, 2021
(SLK)**

Thomas Lira appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Assistant Engineer (CO203C), Essex County.

The subject examination's closing date was July 21, 2021. The education requirement was a Bachelor's degree in Civil, Mechanical or Electrical Engineering. The experience requirements were one year of related experience in civil, electrical or mechanical engineering. A total of six individuals applied and all were deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant indicated that he had a Bachelor's degree in Electrical Engineering. He also indicated that he was provisionally serving in the subject title from May 2021 to the July 21, 2021 closing date and a World Trade Center Summer Assistant with the Port Authority of New York/New Jersey from June 2020 to September 2020. Agency Services credited him with having met the education requirement and seven months of experience based on his provisional service in the subject title and his Summer Assistant position, but determined that he lacked five months of experience by the closing date.

On appeal, the appellant highlights engineering internships with The Smart Grids for three months and Rogue Aerospace for 15 months. He described how he performed the required duties in these positions. The appellant asserts that he worked as much or more in these internships than someone who held a part-time job.

He explains how these internships prepared him for his current position with the appointing authority.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible as he lacked five months of the required experience by the July 21, 2021 closing date. It is noted that on the appellant's application, he indicated two internships that were part of his college curriculum. However, when there is an education requirement and the internship is part of the curriculum for the required degree, that experience is not counted as applicable experience since that experience is incorporated in the education requirement. The appellant also listed an internship on his application that was not part of a college curriculum; however, as the appellant did not describe the duties he performed in this position on his application, Agency Services correctly did not credit him for it as it is unclear if he performed the required duties in this position. Additionally, on appeal the appellant describes two internship experiences; however, it is unclear if he was describing duties of the internships that were part of his college curriculum. Therefore, these experiences also cannot be considered. However, the examination was cancelled due to a lack of qualified candidates. Further, personnel records indicate that the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination.

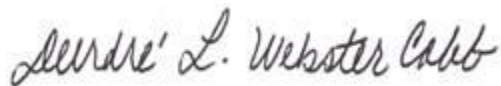
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed for prospective employment opportunities only.

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 DECEMBER, 2021



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