



B-11

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Raziel Mia, Vermin
Control Specialist (M0380T),
Paterson

Examination Appeal

CSC Docket No. 2016-1707

ISSUED: FEB 24 2017

(RE)

Raziel Mia appeals the determination of the Division of Agency Services (DAS) which found that he did not meet the minimum requirements in experience for the open competitive examination for Vermin Control Specialist (M0380T), Paterson.

The subject examination had a closing date of June 22, 2015 and was open to residents of Paterson City who possessed two years of experience in work involving the prevention, control, and extermination of insects, animal pests, vermin, and rodents. The appellant was found to be ineligible based on a lack of experience. As the appellant was the sole applicant, the examination was cancelled on October 22, 2015.

Mr. Mia listed six positions on his application and resume: provisional Vermin Control Specialist; a period of unemployment; Lead Abatement Supervisor; Security Guard (part time, 34 hours per week); Sales Associate with Toys 'R Us (part time, 30 hours per week); and Security Officer. The appellant's four months of experience in the first position was accepted. He was therefore found to be lacking one year, eight months of experience.

On appeal, Mr. Mia states that he possesses a pesticide certification, has had training, and possesses the required knowledge, skills and abilities to perform his provisional duties. He states that he addressed rodent complaints in his position as a Lead Abatement Supervisor. In support, the Health Officer writes that the appellant has been trained and has performed well in his position, and he supports a waiver of the experience requirement. He states that the City has invested

resources in the appellant, and that denying him eligibility would be a setback. Also, the appellant's immediate supervisor in the Division of Health requests that the experience requirements be waived. She indicates that it is her understanding that while Mr. Mia was a Lead Abatement Supervisor, he managed building-related matters, besides lead abatement projects, involving complaints and maintenance matters of rodents. She also states that he has acquired the skills and knowledge to efficiently perform the duties of the position, has a valid Commercial Pesticides Applicator certification, and has performed duties of the title.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

CONCLUSION

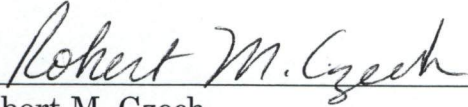
A review of the appellant's application reveals that the decision by DAS, denying the appellant's admittance to the subject examination due to the fact that he did not possess the required experience as of the closing date of the announcement was correct. Mr. Mia received credit for experience in his provisional position. He did not receive credit for experience in the remaining positions as he did not indicate that the primary focus of those positions was the prevention, control, and extermination of insects, animal pests, vermin, and rodents. If the appellant handled complaints and maintenance matters regarding rodents while in his Lead Abatement Supervisor position, those duties were not listed on his application, and were ancillary to the primary focus of lead abatement duties. Nevertheless, Mr. Mia has accrued an additional one year, eight months of applicable experience since the closing date, he remains in his provisional position, and the examination was cancelled based on a lack of qualified candidates. Accordingly, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional experience beyond the closing date and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 22nd DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Raziel Mia
Nellie Pou
Kelly Glenn
Records Center

