



STATE OF NEW JERSEY

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

In the Matter of Peter Thabit,
Technical Assistant to the
Construction Official (M0269A),
Passaic

Examination Appeal

CSC Docket No. 2020-650

ISSUED: NOVEMBER 8, 2019 (SLK)

Peter Thabit 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 Technical Assistant to the Construction Official (M0269A), Passaic.

The subject examination had a closing date of March 7, 2019. The experience requirements were two years of experience in work involving the processing, review, and issuance of construction permits. The license requirement was a valid New Jersey Uniform Construction Code Certification as a Technical Assistant to a Construction Official, issued by the Department of Community Affairs. A total of two individuals, including the appellant, applied for the subject examination which resulted in a list of one eligible with an expiration date of August 28, 2022. Certification OL191055 was issued containing the name of the one eligible. Its disposition is due to be returned by December 3, 2019.

Agency Services credited the appellant with having met the license requirement. Additionally, it credited him with one year and seven months of experience based on his prorated (32 hours per week) provisional service in the subject title from July 2017 to the March 7, 2019 closing date¹, but determined that

¹ Personnel records indicate that the appellant was provisionally serving in the subject title from January 1, 2019 to the March 7, 2019 closing date and a Data Entry Operator 1 from July 2017 to January 1, 2019. While the required duties that the appellant performed were out-of-title as a Data

he lacked five months of experience. On appeal, the appellant explains his experience in more detail and submits various certificates that he possesses that are related to the subject title duties.

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:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

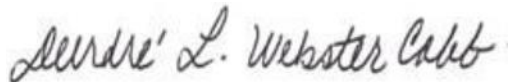
Personnel records indicate that the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date. Additionally, the list is incomplete as there is only one name on the eligible list. Therefore, the Civil Service Commission finds good cause 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.

ORDER

Therefore, it is ordered that the appeal be granted, and Peter Thabit'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 6th DAY OF NOVEMBER, 2019



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