



STATE OF NEW JERSEY

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

In the Matter of Mueedeen Fujah,
Sr., *et al.*, Agency Services
Representative 3 (PS2164G),
Department of Environmental
Protection

Examination Appeals

CSC Docket Nos. 2021-1377, *et al.*

ISSUED: MAY 3, 2021 (SLK)

Mueedeen Fujah, Sr., Anthony Gillette, Sr., and Sharon Ricciardi appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Agency Services Representative 3 (PS2164G), Department of Environmental Protection. These appeals have been consolidated due to common issues presented.

The subject examination’s closing date was February 21, 2020. The experience requirements were three years of experience providing information and support to customers or clients, responding to technical inquiries and/or complains regarding products, services or programs, or collecting payment in a government or office setting. A total of six employees applied for the subject examination which resulted in a list of three eligibles with an expiration date of March 10, 2024. It is noted that all six eligibles are provisionally serving in the subject title. Certification PS210304 was issued and its disposition is due June 25, 2021.

On Fujah’s application, he indicated that he was provisionally serving in the subject title from May 2019 to the February 21, 2020 closing date. Personnel records indicate that he was also a Technical Assistant from December 2011 to May 2019, a Senior Clerk from December 2005 to December 2011, and a Clerk from December

2004 to December 2005. Agency Services credited Fujah with 10 months of experience, but determined that he lacked two years and two months of experience.

On Gillette's application, he indicated that he was employed by the appointing authority from May 1997 to the February 21, 2020 closing date without specifying titles. Personnel records indicate that he was provisionally serving in the subject title from July 2019 to the February 21, 2020 closing date, a Technical Assistant from April 2010 to July 2019, a Principal Clerk from August 2003 to April 2010, a Senior Clerk from May 2000 to August 2003, and a Clerk from June 1999 to May 2000. Agency Services determined that he lacked three years of experience.

On Ricciardi's application, she did not list any experience. Personnel records indicate that she was provisionally serving in the subject title from July 2019 to the February 21, 2020 closing date, a Technical Assistant from April 2010 to July 2019, a Senior Clerk from April 2005 to April 2010, a Principal Clerk from May 2003 to April 2005, a Senior Clerk from April 2001 to May 2003, and a Clerk from October 2000 to April 2001. Agency Services determined that she lacked three years of experience.

On appeal, the appellants indicate that they have years of experience providing information to the public while provisionally serving in the subject title, as Technical Assistants, and in other titles. The appellants emphasize how, as Technical Assistants, they responded to the technical inquiries from the public regarding Open Public Records Act (OPRA) requests and other requests for records and information.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced 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 purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants were not eligible as Fujah only listed his provisional service in the subject title, Gillette did not list the specific titles that he served in and describe in detail the specific duties that he performed in each title, and Ricciardi did not list any experience. However, on appeal, the appellants amended their applications to include all of their experience, including their provisional service in the subject title and their service as Technical Assistants, describing how they performed the required duties for the required time in these titles.

Although *N.J.A.C. 4A:4-2.1(f)* proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellants to amend their applications. Specifically, the list is incomplete as it is anticipated that the appointing authority will need to fill six positions since there are six provisional appointees, including the appellants, in the subject title and only three eligibles on the list. Further, 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). In this regard, the Commission finds that the appellants have demonstrated that they have the required experience for the subject title by the closing date, which, based on the circumstances presented, warrants their admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and admit the appellants.

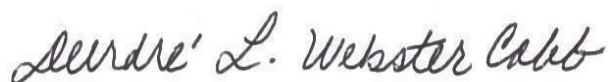
The Commission cautions the appellants that, in the future, they should ensure that any applications are fully and completely filled out as their failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications 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 28th DAY OF APRIL, 2021



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Mueedeen Fujah, Sr. (2021-1377)
Anthony Gillette, Sr. (2021-1380)
Sharon Ricciardi (2021-1381)
Carla Winbush
Division of Agency Services
Records Center