



STATE OF NEW JERSEY

In the Matter of Shawn King and
Shefit Mersimi, Senior Repairer
(S0311D), Statewide

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

CSC Docket Nos. 2022-3184 and
2022-3031

Examination Appeals

ISSUED: AUGUST 3, 2022 (SLK)

Shawn King and Shefit Mersimi appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the open competitive examination for Senior Repairer (S0311D), Statewide. These matters have been consolidated due to common issues presented.

The subject examination’s closing date was March 21, 2022. The experience requirements were two years of experience in work involving the inspection, repair and general maintenance of household, office and other equipment, fixtures, fittings, appliances, machinery, furnishings, and buildings. A total of 24 individuals applied and 17 were determined eligible and appeared on the resultant eligible list. Certification OS220282 was issued containing the names of five eligibles and its disposition is due August 16, 2022, certification OS220283 was issued containing the names of eight eligibles and three were appointed, four were removed, and one was retained, certification OS220285, which was for the New Jersey Veterans Memorial Home – Paramus (NJVMH-P) and is where King is provisionally serving in the subject title, was issued containing the names of six eligibles and five were removed and one was retained, and certification OS220318 was issued containing the names of eight eligibles and one was appointed, four were removed, two were bypassed, and one was retained.

On King’s application, he indicated that he was a Maintenance Technician for Arbor Terrace from April 2020 to February 2022 and a Gas Equipment Technician

for Sandals Ocho Rios from December 2013 to December 2018. Personnel records indicate that he was provisionally serving in the subject title for the NJVMH-P from February 2022 to the closing date. Agency Services credited him with one year and 11 months of experience based on his Arbor Terrace experience, but determined that he lacked one month of experience.

On Mersimi's application he indicated that he was a Mason for ANS Construction from January 2018 to December 2019, a Mason for Intertop Construction Management from October 2015 to November 2017, a Mason for TEF Environmental from April 2013 to June 2015, an Owner for Mersimi Construction from January 2007 to June 2013, a Mason for Norman Son from June 2004 to December 2006, and a Home Builder for Mersimi Construction from June 1996 to June 2004. Agency Services did not credit him with any experience.

On appeal, King describes how he performed the required duties while working for Arbor Terrace, highlighting that he is now provisionally serving in the subject title, and submits various maintenance certificates that he received while working for Sandals Ocho Rios.

Mersimi states that he has over 25 years of experience in carpentry, masonry, plumbing, and electric. He indicates that he started by working in his father's construction company for 10 years and his duties included supervising a crew of 40 responsible for building houses from start to finish and doing smaller jobs. Thereafter, he worked for companies focusing on carpentry and masonry.

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:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. *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 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 they did not clearly indicate that they held positions that primarily performed the required duties for the required time. However, regarding King, the record indicates that the list for the NJVMH-P is incomplete as there is currently only one name that was certified to it that remains on the list. Further, if King had indicated on his application that he started his provisional service with the NJVMH-

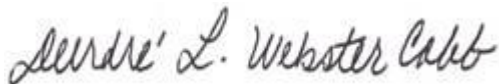
P in February 2022 on his application, he would have met the eligibility requirements by the closing date. Additionally, he continues to successfully provisionally serve in the subject title. Concerning Mersimi, on appeal, he clarified how he performed the required duties since his career began over 25 years ago. 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 to accept King's amended experience and Mersimi's clarified experience, for eligibility purposes only, and admit them to the subject examination.

ORDER

Therefore, it is ordered that the appeals be granted, and Shawn King's and Shefit Mersimi's 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 3RD DAY OF AUGUST 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Shawn King (2022-3184)

Shefit Mersimi (2022-3031)
John Langston
Division of Agency Services
Records Center