



**STATE OF NEW JERSEY**

In the Matter of Patrick Hickey,  
Assistant Supervisor of Building  
Repairs (PS6629J), Montclair State  
University

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

CSC Docket No. 2022-2118

Examination Appeal

**ISSUED: November 23, 2022 (BS)**

Patrick Hickey appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the requirements for the promotional examination for Assistant Supervisor of Building Repairs (PS6629J), Montclair State University.

The subject promotional examination was announced with an October 21, 2021 closing date and required, in pertinent part, that applicants possess two years of supervisory experience in the maintenance and repair of buildings and grounds which shall have included the preparation of cost estimates and workable shop drawings. Records indicate that the subject promotional examination was cancelled on March 8, 2022 due to a lack of qualified applicants.

The appellant filed an application and submitted a resume on which he indicated that he possessed 10 years of supervisory experience in the maintenance and repair of buildings and is currently serving as a provisional Assistant Supervisor of Building Repairs. However, the appellant failed to describe any responsibilities in the maintenance of grounds, as was required. As a result, Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that that he satisfies the subject requirements. In support of his appeal, the appointing authority for Montclair State University submits a letter on his behalf indicating that, in addition to his one year of provisional experience, he also worked as a Licensed Contractor from 2003 to 2013, supervising a crew of two or three employees involved in the maintenance of buildings and grounds. The appointing authority asserts that the appellant more than meets the subject requirements and requests that this clarification of the appellant's experience be accepted so that he can be tested and considered for permanent appointment.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants for promotional examinations shall meet all requirements in the promotional examination by the announced closing date, including submitting an application and any additional supplemental information on or before the announced application filing deadline. Pursuant to *N.J.A.C.* 4A:4-2.1(f), any supplemental information received after the closing date cannot be considered. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission (Commission) may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

The appellant filed an application for the subject promotional examination indicating that he possessed experience as a provisional Assistant Superintendent Building Repairs and supervisory private sector experience involving the maintenance and repair of buildings. However, he neglected to describe any supervisory experience in the maintenance and repair of grounds, as was required, on his initial application. On appeal, the appellant submitted a detailed resume clarifying the totality of his experience, including grounds work. Additionally, the appointing authority submitted a letter verifying that the appellant's past experience included grounds and grounds work encompassing tree cutting, shrub removal, installation of pavers, and the supervision of contracted landscapers. Moreover, this is not a competitive situation in that the subject promotional examination has been cancelled due to a lack of qualified applicants. Under these circumstances, the Commission finds good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and *N.J.A.C.* 4A:4-2.1(f), to permit the appellant to amend his application, as well as accept the clarification of the qualifying experience he has presented on appeal, for eligibility purposes only, and admit him to the subject examination. This will allow him the opportunity to be tested and be considered for a prospective permanent appointment to the subject title.

The Commission emphasizes that the remedy in this matter is limited to the specific facts presented and shall not be utilized as a precedent in any other

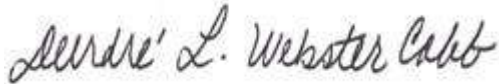
proceeding. The importance of submitting a properly completed application that includes all the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Therefore, the Commission cautions the appellant that he must properly complete and submit any applications he may file in the future.

### ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation 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 23<sup>RD</sup> DAY OF NOVEMBER, 2022




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