



**STATE OF NEW JERSEY**

In the Matter of Mark Barry,  
Electrician (S0395CC), Statewide

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

CSC Docket No. 2022-1389

Examination Appeal

**ISSUED: JULY 5, 2022 (RAM)**

Mark Barry 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 Electrician (S0395C), Statewide examination.

By way of background, the announcement for the subject examination was issued on September 1, 2021 and was open to New Jersey residents possessed three years of experience in work involving the installation, inspection, repair, servicing and maintenance of electrical equipment, appliances, machinery and circuits as of the September 21, 2021 closing date. It is noted that applicants who did not possess the required experience could substitute a current Electrical Contractor License issued by the New Jersey Department of Consumer Affairs for the three years of experience. Agency records indicates that 13 applications were filed for the subject examination and that 11 applicants were found to be eligible. As a result, an eligible list promulgated on December 2, 2021, and expires on December 1, 2024. The record also indicates that 13 certifications were issued to various departments/agencies and that two of those certifications (OS210493 and OS210494) were issued to the appellant's place of employment at the Department of Transportation (DOT). Certification OS210493 was issued on December 6, 2021, consisting of three individuals. The three candidates were all removed from the eligible list due to non-response to a certification and the certification was disposed of effective April 12, 2022. Certification OS210494 was issued on December 6, 2021, consisting of two

individuals. The provisional on the list was appointed, the remaining candidate was retained on the list and the certification was disposed of effective January 10, 2022.

On his application, the appellant only listed his provisional work experience as an Electrician with DOT from June 2021 to September 2021. The appellant did not list any other work experience on his application, nor did he submit a resume. In addition, the appellant did not present documentation that he possessed an Electrical Contractor License issued by the New Jersey Department of Consumer Affairs.

Upon a review of the appellant's application, Agency Services credited the appellant with four months of experience that he gained provisionally in the subject title from June 2021 to September 2021. Therefore, Agency Services concluded that he lacked two years and eight months of applicable experience as of the September 21, 2021 closing date.

On appeal to the Civil Service Commission (Commission), the appellant states that his 17 years of experience as an Electrician meets the required experience for the subject examination. In support of his appeal, the appellant provides a copy of his resume indicating his experience as an Electrician with CARO ELECTRIC from June 2009 to March 2020 and with CORBIN ELECTRIC from June 2007 to February 2009. Furthermore, he listed his experience as an Electrician's Apprentice with TITAN ELECTRIC from June 2006 to March 2007, SOUTH JERSEY ELECTRIC from March 2005 to December 2005, OSCAR'S ELECTRIC from November 2004 to March 2005, and MAC ELECTRIC from June 2004 to November 2004. It is noted that, agency records indicate that the appellant has been serving as an Electrician, provisionally pending open-competitive examination procedures since June 19, 2021.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open-competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this instant matter, Agency Services correctly determined that the appellant was not eligible for the subject examination based on the review of his application. As such, it found that the appellant lacked two years and eight months of required experience as of the September 21, 2021 closing date. However, a review of agency records indicates that the appellant possessed four months of provisional experience prior to the examination closing date. The record also indicates that the appellant continues to serve provisionally in the subject title.

Based on the foregoing, the Commission finds that the appellant has met the burden of proof that he met the requirements outlined in the announcement for the subject examination prior to the September 21, 2021 closing date. Thus, the 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, which provides that all requirements must be met by the closing date, for eligibility purposes only, and admit the appellant to the subject examination. Further, the Commission finds good cause exist to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and will accept the appellant's work experiences after the closing date as the subject examination was administered as a qualifying examination and the candidates were given the same score. Thus, allowing the appellant to be admitted to the examination would not adversely affect the standing of the remaining candidates on the eligible list, rather, his admittance to the examination would minimally increase the possible candidate pool. Therefore, he should be admitted to the subject examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

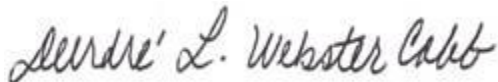
Finally, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter and does not provide precedent in any other matter. Moreover, the appellant is cautioned that, for future announcements, he should ensure that applications are fully and completely filled out, with past and present work experience, as failure to do so will be cause for rejection from the selection process.

### ORDER

Therefore, it is ordered that this appeal be granted, and the appellant'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 29<sup>TH</sup> DAY OF JUNE 2022



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