



STATE OF NEW JERSEY

In the Matters of Najah Akbar
and Jeffrey Mollenhauer, Public
Health Representative 3,
Communicable Disease (S0771C),
Statewide

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

CSC Docket Nos. 2022-2119 and
2022-2250

Examination Appeals

ISSUED: JULY 25, 2022 (JET)

Najah Akbar and Jeffrey Mollenhauer appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirement for the open competitive examination for Public Health Representative 3, Communicable Disease (S0771C), Statewide. Since these matters concern similar issues, they have been consolidated herein.

The open competitive examination was announced with specific requirements which had to be satisfied by the December 21, 2021, closing date. The requirements were graduation from an accredited college or university with a Bachelor’s degree, and one year of experience in a communicable disease related health or social service program which shall have included responsibilities for interviewing, investigating, and/or conducting public health care surveys, or patient care services. It was noted that applicants who did not possess the required education could have substituted additional experience as indicated above on a year-for-year basis, with 30 semester hour credits being equal to one year of experience. A total of 13 candidates applied for the subject examination, and five were found eligible. Two certifications (OS220129 and OS220174) were issued, and four appointments were made. One candidate remained on the OS220129 certification and was listed as “retained.”

AKBAR's APPEAL

Akbar listed on her application that she possessed a Bachelor's degree, and that she served provisionally in the subject title from July 2021 to December 2021, as a Court Services Officer from August 2017 to July 2021, as a Project Management Officer from March 2015 to August 2017, and as a Child Support Specialist from December 2011 to March 2015.¹ Agency Services credited Akbar for her Bachelor's degree, and with six months of experience for her provisional service in the subject title. Agency Services did not find any of her other experience applicable. Accordingly, Agency Services determined that Akbar was ineligible for the examination, as she lacked six months of applicable experience.

On appeal, Akbar asserts, among other things, that she should be admitted as she possesses sufficient experience in the subject title to qualify her for the examination.

It is noted that Akbar continues to serve provisionally in the subject title.

MOLLENHAUER's APPEAL

Mollenhauer indicated on his application that he possesses a Master's degree, and that he served provisionally in the subject title from July 2021 to the December 2021 closing date of the application. Agency Services credited Mollenhauer for his Master's degree and with six months of applicable experience for his provisional service in the subject title. As such, Agency Services determined that he was ineligible for the examination, as he lacked six months of applicable experience.

On appeal, Mollenhauer asserts, among other things, that he should be admitted to the examination, and he has gained sufficient experience while serving in the subject title.

It is noted that Mollenhauer continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the announcement by the 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.

¹ Official personnel records indicate that Akbar served provisionally in the subject title from July 2021 to the December 2021 closing date, as a Court Services Officer 1 from August 2017 to July 2021, as a Program Specialist 2 from March 2015 to August 2017, and as a Child Support and Paternity Specialist 1 from December 2011 to March 2015.

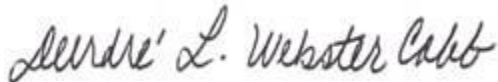
Initially, Agency Services credited both Akbar and Mollenhauer with six months of applicable experience for their provisional service in the subject title. After review, the Commission agrees that Akbar's and Mollenhaier's other experience in various positions did not have, as their primary focus, duties that would be applicable for the subject examination. Nevertheless, the record reflects that both Akbar and Mollenhauer continue to serve provisionally in the subject title, and as such, have gained an additional seven months of applicable experience since the closing date. Moreover, the examination is not competitive, as four candidates were appointed and the subject list is now incomplete. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.3(b)* and accept the appellants' provisional experience in the subject title gained after the closing date, for eligibility purposes only, and admit them to the examination. This determination is limited to the particular circumstances presented, and may not be used as precedent in any future matter.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants be admitted to the examination 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 20TH DAY OF JULY 2022



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