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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Trevor Dittmar,  
Construction Official (S0814R),  
Statewide

CSC Docket No. 2014-2037

Examination Appeal

ISSUED: JUL 21 2014 (WR)

Trevor Dittmar appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the requirements for the open competitive examination for Construction Official (S0814R), Statewide.

The examination for Construction Official (S0814R), Statewide was announced with a closing date of September 18, 2013, and was open to candidates in possession of one year of supervisory experience in architecture, engineering, code enforcement project review or construction project management with the responsibilities for technical and/or skilled work of construction projects subject to the New Jersey Uniform Construction Code. Applicants were also required to possess the following valid licenses issued by the New Jersey Department of Community Affairs: Subcode Official; Construction Official; and High Rise and Hazardous Specialist, code enforcement license in building, plumbing, electrical, elevator, or fire protection.

On his online application, Mr. Dittmar indicated that he possessed the required licenses and had worked as an Electrical Inspector for Howell Township, New Jersey from October 2003 to September 2013. However, he did not indicate that he possessed supervisory duties. Therefore, Selection Services found him ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), Mr. Dittmar states that he "acted" as the Electrical Subcode Official in Howell Township during the absence of the appointed Electrical Subcode Official. He further states that he

served in interim appointments as an Electrical Subcode Official in Avon Borough (Avon). Accordingly, the appellant requests that he be found eligible for the subject examination.

Despite being afforded the opportunity, Mr. Dittmar did not supplement his appeal with a sworn, notarized statement, indicating the duties he performed as an Electrical Subcode Official, the month and year he began and ended performing those duties, and the average amount of time per week he performed those duties.

### 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:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

Under *N.J.A.C.* 4A:4-2.1(g), the Commission may accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given title that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume submitted with the application cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the applicant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004). The experience with Avon that the appellant submits on appeal was not included in his original application. Accordingly, the experience the appellant describes on appeal, with regard to his employment with Avon, cannot be considered because it is amending information.

While the appellant claims he "acted" as the Electrical Subcode Official with Howell Township, he did not indicate on his application or on appeal the duties he performed or the amount of time he performed them. Additionally, it is noted that experience acquired in an "acting" capacity is generally not recognizable, as this work is intermittent in nature and the duties performed are not the primary focus of the employee's permanent title. See e.g., *In the Matter of Walter Furtney* (MSB, decided April 18, 2000), *aff'd on reconsideration* (MSB, decided September 26, 2000). Finally, the Commission observes that an application is not a formality used to schedule examinations, as this agency makes official determinations for eligibility for all prospective candidates for position in State or local Civil Service jurisdictions since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. See *In the Matter of Daniel Roach* (MSB, decided October 20, 2004).

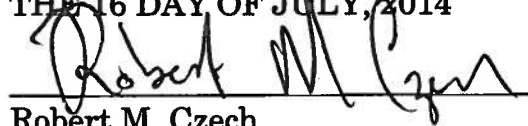
Accordingly, Mr. Dittmar has failed to meet his burden of proof in the matter and a sufficient basis exists in the record to support Selection Services' determination that Mr. Dittmar is ineligible for the Construction Official (S0814R), Statewide examination.

**ORDER**

Therefore, it is ordered that this appeal be denied.

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 16 DAY OF JULY, 2014



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