



## STATE OF NEW JERSEY

# FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Amal Shah, Program Manager, Occupational and Environmental Health (PS9484G), Department of Environmental Protection

**Examination Appeal** 

Corrected Decision

CSC Docket No. 2015-2951

**ISSUED: JUL 1 7 2015** (SLK)

Amal Shah appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Program Manager, Occupational and Environmental Health (PS9484G), Department of Environmental Protection.

The examination at issue was announced with specific requirements that had to be met as of the December 22, 2014 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On his application, Mr. Shah indicated that he was provisionally serving in the subject title from August 2014 to the December 22, 2014 closing date, an Occupational Health Consultant 1 from March 2012 to August 2014, an Occupational Health Consultant 4 from February 2007 to March 2012, an Assistant Safety Manager for Schiavone Construction Company from August 2006 to August 2007, and a Graduate Student Assistant for the New Jersey Institute of Technology, Department of Environmental Health & Safety for 20 hours per week from September 2005 to August 2006. The appellant also indicated that he possessed a Master's degree. Agency Services credited him with having met the education requirement, the general experience requirement, and having one year of the

<sup>&</sup>lt;sup>1</sup> Mr. Shah also submitted a resume which indicated that he was an Emergency Medical Technician for various organizations between April 1996 to June 2010 and an Auxiliary Police Officer for the Edison Police Department from June 2006 to March 2007, but he did not indicate how many hours per week he worked in these positions or whether or not he was a supervisor in these positions.

required supervisory experience based on his provisional service in the subject title and his experience as an Assistant Safety Manager, but determined that he lacked one year of the required supervisory experience.

On appeal, Mr. Shah presents that he has nine and a half years of experience in the field of occupational health and safety, including a year and a half supervising personnel, two and one half years serving as a team/project leader, and serving provisionally in the subject title since August 2014. The appellant also provides that he has six years of experience as an emergency medical technician, and one year of law enforcement experience as an Auxiliary Police Officer where he was the squad leader for his unit. The appellant also submits a letter from the appointing authority requesting that his out-of-title supervisory experience be accepted.

## **CONCLUSION**

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. N.J.A.C. 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

Based on his application, Agency Services correctly determined that Mr. Shah did not meet the required supervisory experience as of the December 22, 2014 closing date. However, as of the closing date, the appellant had one year of the required supervisory experience based on serving provisionally in the subject title and as an Assistant Safety Manager. Further, the appointing authority confirmed an additional two years and six months of the required supervisory experience based on his out-of-title work as an Occupational Health Consultant 1. Moreover, the record evidences that the examination was cancelled due to a lack of qualified candidates. Additionally, he continues to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of N.J.A.C. 4A:4-2.6(a) and accept Mr. Shah's experience after the closing date, as well as his out-of-title work experience, for eligibility purposes only, and admit him to the subject examination.

### <u>ORDER</u>

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Amal Shah'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 15th DAY OF JULY, 2015

Robert M. Czech Chairperson

Civil Service Commission

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### Attachment

c:

Amal Shah Deni Gaskill Kelly Glenn Joseph Gambino