



STATE OF NEW JERSEY

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

In the Matter of Mark Phillips,
Supervisor, Amusement Rides and
Mechanical Inspection (PS7374DN),
Department of Community Affairs

Examination Appeal

CSC Docket No. 2019-1575

ISSUED: February 11, 2019 (RE)

Mark Phillips appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Supervisor, Amusement Rides and Mechanical Inspection (PS7374DN), Department of Community Affairs.

The subject examination announcement was issued with a closing date of May 21, 2018, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in in any competitive title and met the announced requirements. These requirements included ten years of experience in amusement ride development, construction or inspection, one year of which shall have involved supervision AND possession of a valid High Rise and Hazardous Specialist (HHS) code enforcement license in amusement rides, and a valid Sub-Code Official license in amusement rides, both issued by the Department of Community Affairs. It was found that appellant failed to satisfy the experience requirement. Four candidates passed the examination, and the eligible list has not yet been certified.

The appellant indicated that he possessed the required licenses and he listed three positions on his application: “Sub Code/Amusement Ride Inspector,” “Electronic System Technician, Mach” with the Vineland Board of Education, and “Various Positions” with the United States Coast Guard. Official records indicate that he currently is a Subcode Official, and previously held the titles Construction Code Inspector 2, and Safety Inspector. In fact, the appellant was a Subcode Official for one year, six months of the seventeen year, six month period listed for

Sub Code/Amusement Ride Inspector. He provided only one set of duties for these positions, and he indicated that he was not supervising for the first two positions on his application. He was credited with over ten years of applicable general experience, and found to be lacking one year of applicable supervisory experience.

On appeal, the appellant argues that he meets the minimum requirements for the position as he possesses twelve years of supervisory experience as a shop supervisor and seven years of supervisory experience for the United States Coast Guard. He requests that the sum of his supervisory experience should be accepted.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-4.2(c)2 states that an appointing authority shall be entitled to a complete certification for consideration in making a permanent appointment which means, from promotional and open competitive lists, the names of three interested eligibles for the first permanent appointment, and the name of one additional interested eligible for each additional permanent appointment.

The appellant was deemed to be ineligible for the subject examination since he lacked the minimum experience. Specifically, the appellant was found to meet the general experience requirement, but was found to be lacking one year of applicable supervisory experience. In this case, the supervisory requirement is one year of supervision over individuals involved with amusement ride development, construction or inspection. The appellant requests that the sum of his supervisory experience be accepted. In this regard, it is noted that the Civil Service Commission (Commission) accepted the totality of the appellant's supervisory experience for the same title in *In the Matter of David Hewitt, et al., Supervisor, Amusement Rides and Mechanical Inspection (PS8492D), Department of Community Affairs* (CSC, decided December 17, 2008). In that matter, the Commission was satisfied with the totality of his experience in the Coast Guard supervising inspections of vessels and aircraft as sufficiently similar to the required experience performing inspections of amusement rides. In that instance, the list was incomplete with two eligibles on the list and three provisional incumbents. Subsequently, the appellant was also found ineligible for Supervisor, Amusement Rides and Mechanical Inspection (PS3574D), Department of Community Affairs in 2016. Again, he was found eligible based on totality of experience as the list was incomplete. Therefore, since the eligible lists were incomplete, a basis existed for the Commission to relax the eligibility requirement so the appointing authority could be provided with a complete certification.

In this case, there is no basis to relax *N.J.A.C.* 4A:4-2.6(a), since the list has four eligible candidates, which is a complete list. The appellant's titles of Subcode

Official, Construction Code Inspector 2, and Safety Inspector, are not supervisory titles. Further, the appointing authority has a complete certification for consideration in making a permanent appointment. Accepting the totality of an applicant's experience is an *exception* to the rule that is engaged by the Commission to provide the appointing authority with additional eligible candidates when a list is incomplete. It is not the regular practice when a list is incomplete. As there are more than three eligibles on the list, there is no basis to make this exception.

For future applications, the appellant is directed to list each of his titles separately and include the proper duties for each. Additional information regarding completing an application is found on the Commission's website in the Online Application System (OAS) User Guide.


An independent review of all material presented indicates that the decision of Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

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 6th DAY OF FEBRUARY, 2019



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