



resume, a copy of his licenses as a Plumbing Subcode Official and Master Plumber, his employee identification, and his certification as a Notary Public. He states that he has been the Plumbing Inspector/Plumbing Subcode Official for eight years, a provisional Chief Project Coordinator Construction, and is the "acting" Director of Community Improvements. The appellant's resume contains information regarding positions as the "acting" Director of Community Improvements, Chief Project Coordinator Construction, Confidential Assistant and Constituent Liaison to the Passaic County Surrogate Court, Senior Plumbing Inspector/Sub-Code Official, Consultant with C.O. Solutions, and Owner of a Plumbing and Heating business. Official records indicate that the appellant was a Plumbing Inspector with Paterson from April 2005 to February 2015, and Chief Project Coordinator Construction from then forward. He also was a Plumbing Sub-Code Official from December 2005 to July 2007 with Elmwood Park, and a Confidential Assistant with Passiac County from May 2013 to January 2014.

In addition, he supplied a letter from the appointing authority indicating that the appellant's education and experience, as well as his eight years of prior employment with Paterson, was the reason for his selection for provisional appointment in the subject title. Also, he supplied a letter from a Plumbing Sub-Code Official that the appellant was a Plumbing Inspector for eight years during a major construction boom.

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

### CONCLUSION

Applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. *See In the Matter of Charles Klingberg* (MSB, decided August 28, 2001). Additionally, *N.J.A.C.* 4A:4-2.1(g) provides that the Civil Service Commission (Commission) may request clarifying information from an applicant in appeals of this nature. Further, *N.J.A.C.* 4A:2-1.4(c) provides that in appeals of this type, the burden of proof shall be on the appellant.

In the instant matter, based on the information available to DAS, it appropriately found that the appellant was not qualified for the subject title based on his failure to meet the experience requirements. On appeal, the appellant indicated that he submitted his resume and licenses; however, they had not been received. Generally, under these circumstances, the Commission is willing to accept that if an individual is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will accept the statement that the documentation was in fact received in a timely manner. In this matter, the appellant did not submit such a sworn statement. Copious directions on completing

applications and providing supplemental information are provided to candidates. The appellant does not explain why he did not properly complete his application by listing his positions along with the requested information for each. *N.J.A.C. 4A:4-2.1(f)* provides that an application may only be amended prior to the announced closing date. That is, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. See *In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003) and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005). Possession of licenses has no bearing on this matter.

In any event, a review of the appellant's resume does not support that he meets the announced requirements. A Plumbing Inspector performs plumbing inspection work to enforce relevant public health laws. A Plumbing Sub-code Official has the subordinate administrative responsibility for administering the plumbing subcode of the State Uniform Construction Code, and inspects and/or supervises the inspection of plumbing work in construction projects underway to ensure that compliance with plans and specifications approved in accord with the State Uniform Construction Code is achieved. The appellant's duties as listed match these definitions, and neither of these positions involves coordinating, supervising, or estimating the work involved in the construction *and* alteration of public works facilities or other construction projects. The appellant's positions as a Confidential Assistant and Constituent Liaison, and as a Consultant, also did not involve coordinating, supervising, or estimating the work involved in the construction and alteration of public works facilities or other construction projects. His experience as an "acting" Director of Community Improvements was gained after the closing date, and therefore, cannot be accepted.

An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. See *In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). The appellant described his duties as an Owner of a plumbing and heating business from 1992 to 2002 as, "Responsible for the installation and certification of scores of residential & commercial plumbing and heating work for homes, industrial buildings, restaurants and clubs in a supervisory capacity with multiple crews of men." No further information, such as the number of hours worked per week, and the number of individuals supervised was provided. Additionally, this description did not include construction of public works facilities or other construction projects, and there is no indication of preparation and/or interpretation of construction documents. The appellant lacks four years, seven months of qualifying experience as of the June 2015 closing date.

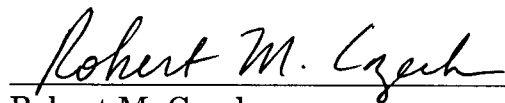
An independent review of all material presented indicates that the decision of DAS that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed 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 7<sup>th</sup> DAY OF DECEMBER, 2016

  
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