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STATE OF NEW JERSEY

In the Matter of Richard deAlmeida,  
Deputy Municipal Court Administrator  
(M0775S), Bridgeton

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Examination Appeal

CSC Docket No. 2015-2399

ISSUED: APR 02 2015 (EG)

Richard deAlmeida appeals the determination of the Division of Selection Services (Selection Services) which found that he was below the minimum requirements in experience for the open competitive examination for Deputy Municipal Court Administrator (M0775S), Bridgeton.

The subject open competitive examination was announced with specific requirements which had to be met as of the announced closing date of October 16, 2014. Applicants were required to have graduated from High School, Vocational High School, or possess an approved High School Equivalency Certificate. Additionally, applicants were required to have one year of experience in work related to the administrative operation of a court, law enforcement agency, law office, or government agency, including the preparation and/or processing of legal documents. It is noted that the subject eligible list was promulgated with six eligibles on February 5, 2015 and expires on February 4, 2018.

A review of the appellant's application indicates that he possessed a Bachelor's degree and has served as an Independent Living Specialist from June 2013 through the closing date of the subject examination, as a Substitute Teacher from September 2005 to June 2008, as an Outreach Coordinator from March 2006 to March 2007, as an Office Operations Supervisor from December 1999 to August 2000, and as a Support Services Specialist GS-07 from August 1989 to April 1996. In reviewing the appellant's application, Selection Services determined that none of his work experience was applicable.

On appeal, the appellant argues that in his federal government positions of Office Operations Supervisor and Support Services Specialist GS-07, he regularly created receipts, produced memoranda, and handled other legal documentation associated with each agency. Additionally, the appellant asserts that he has been employed with a non-profit agency and served as a chairman of several other non-profit organizations that required him to create and/or complete a variety of legal documents, which included wills, promissory notes, articles of incorporation and contracts. Further, the appellant argues that his understanding of and exposure to legal documents has been attained throughout his lifetime in the form of mortgages, deeds, subordination agreements, and escrow. He also contends that his knowledge of legal documents was expanded while pursuing his Bachelor's degree in Business Management. Furthermore, in a letter to his Assemblyman, the appellant states that he is a disabled veteran and as such, he should have received a 10 point preference and been placed on the top of the eligible list. The appellant also alleges that the appointing authority is attempting to circumvent Civil Service rules in the present appointment process.

### CONCLUSION

*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. Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that appellants have the burden of proof in examination and selection disqualification appeals. Further, *N.J.S.A.* 11A:5-1.1 provides in pertinent part that the Adjutant General of the New Jersey Department of Military and Veterans' Affairs (DMVA) shall be responsible for determining whether any person seeking to be considered a "veteran" or a "disabled veteran" for the purpose of receiving New Jersey civil service preference. *N.J.S.A.* 11A:5-4 states that the names of disabled veterans who receive passing scores on open competitive examinations shall be placed at the top of the employment list in the order of their respective final scores. *N.J.S.A.* 11A:5-6 indicates that whenever a disabled veteran or veteran shall be certified to an appointing authority from an open competitive employment list, the appointing authority shall appoint the disabled veteran or veteran in the order of ranking.

Initially, the appellant argues that his veteran's preference was not properly applied. However, official records reveal that the appellant has not been granted veteran or disabled veteran status by DMVA as required for the purpose of receiving New Jersey civil service veteran's preference. Additionally, the appellant appears to have confused how veteran's preference is applied in New Jersey with the system used by the federal government. In this State, veteran's preference is applied only after applicants have been found eligible, passed any required examinations, and have been placed on an eligible list. There are no additional points added.

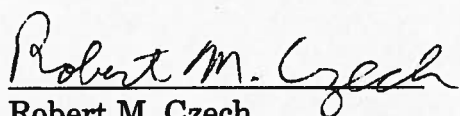
Regarding the appellant's experience, Selection Services appropriately denied the appellant's eligibility for the subject examination. A review of the appellant's application and appeal submissions reveals that while he may have occasionally dealt with some legal documents in his prior held positions, it is clear from the duties he described that the preparation and/or processing of legal documents was not the primary focus of those positions. In order for experience to be considered applicable, it must have as its *primary focus* full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Thus, although the appellant claims to have performed some applicable work, it is clear the primary focus of the positions he listed was not in the administrative operation of a court, law enforcement agency, law office, or government agency, including the preparation and/or processing of legal documents. Further, not all government documents are necessarily considered legal documents. Accordingly, based on the foregoing, the appellant has not met his burden of proof, and has not provided a basis to disturb the determination of Selection Services that he was ineligible for the title under test.

### 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 1ST DAY OF APRIL, 2015



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