



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Justina Cheng,
Environmental Engineer (M0359T),
Jersey City

CSC Docket No. 2016-1387

Examination Appeal

ISSUED: **NOV 16 2016** (SLK)

Justina Cheng appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the open-competitive examination for Environmental Engineer (M0359T), Jersey City.

The examination at issue was announced with specific requirements that had to be met as of the June 18, 2015 closing date (see attached). A total of nine individuals applied for the subject examination and five were deemed eligible. Certification OL151206 was issued containing the names of the five eligibles. The certification was returned on February 23, 2016 with the second, fourth, and fifth eligibles removed for failure to respond to the certification and the first and third eligibles were retained, but not appointed, as the certification was incomplete. The list expires on September 23, 2018.

On Ms. Cheng's application, she indicated that she was provisionally serving in the subject title from March 2015 to the June 18, 2015 closing date, a Resident Assistant for Tufts University from August 2011 to May 2013, and an Undergraduate Researcher for Tufts University from May 2012 to August 2012. She also possesses a Bachelor's degree in Environmental Engineering. Agency Services credited her for her Bachelor's degree and three months of experience based on her provisional service in the subject title, but determined that she lacked nine months of experience.

On appeal, Ms. Cheng presents that, in addition to her provisional service in the subject title, as an Undergraduate Researcher for Tufts, she gained four months of experience and she provides examples of the environmental engineering work that she performed in this position. She also describes the various environmental engineering laboratory, coursework, and fieldwork that she did as an undergraduate which she asserts qualifies her for the position.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

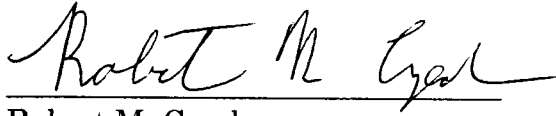
Based on her application, Agency Services correctly determined that Ms. Cheng did not meet the required experience as she only had three months of applicable experience as of the June 18, 2015 closing date. It is noted that her position as an Undergraduate Researcher and other environmental engineering school work is credited as part of meeting the education requirement and cannot be considered in meeting the experience requirement. However, she gained the additional experience to satisfy the experience requirement after the closing date. Moreover, the record evidences that the list is incomplete and there are only two names remaining on the eligible list. Further, she 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:4-2.3(b)2 and accept Ms. Cheng's experience after the closing date, for eligibility purposes only, and admit her to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted, and Justina Cheng'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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Justina Cheng
Robert Kakoleski
Kelly Glenn
Records Center



Job Announcements

Symbol: M0359T Title: **ENVIRONMENTAL ENGINEER 1**

Issue Date: 05/28/2015

Closing Date: 06/18/2015

Jurisdiction: JERSEY CITY

Salary: \$14,500.00 - \$51,060.00 Per Year

Num. of Positions: 1

Workweek: 37.50 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

1) Jersey City; 2) New Jersey

REQUIREMENTS:

EDUCATION: Graduation from an accredited college with a Bachelor's degree in Civil, Chemical, Mechanical, Environmental, Ocean, Coastal, Bio-Resource, Sanitary, Industrial, Agricultural or Mining Engineering, or other field of engineering related to the environment. Please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

NOTE: A valid Professional Engineer's license issued by the New Jersey State Board of Professional Engineers and Land Surveyors may be substituted for the Bachelor's degree in Engineering. If you are substituting a Professional Engineer's license for the Bachelor's degree, please provide the specific details of your license, including the license number, as indicated in the license section of the application. Failure to do so will result in ineligibility.

EXPERIENCE: One (1) year of professional experience in environmental engineering work.

NOTE: A Master's degree in one of the fields specified above may be substituted for one (1) year of the above experience. If you are substituting a Master's degree for the required experience, please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

Foreign transcripts must be evaluated by a recognized evaluation service. Please upload a copy of your evaluation with your application. Failure to do so will result in ineligibility.

LICENSE: Appointee will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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