



**STATE OF NEW JERSEY**

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

In the Matter of Peter Tsistinas,  
Occupational Safety Consultant 2  
(S0511U), Statewide

Examination Appeal

CSC Docket No. 2017-1946

**ISSUED:** August 21, 2017 (ABR)

Peter Tsistinas appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the open competitive examination for Occupational Safety Consultant 2 (S0511U), Statewide.

The examination was open to applicants who possessed a Bachelor’s degree and two years of experience in the identification, analysis and/or solution of workplace safety hazards involving the application of Federal Occupational Safety and Health Administration (OSHA) and/or nationally recognized safety standards as of the August 1, 2016 closing date. Applicants who did not possess the required education could substitute additional experience, with 30 semester hour credits being equal to one year of experience. A total of 51 applicants applied for the subject examination that resulted in a list of 20 eligibles with an expiration date of December 21, 2019.

On his application, the appellant indicated that he possessed an Associate’s degree from Union County College (UCC), but did not possess a Bachelor’s degree.<sup>1</sup> Agency Services determined that, pursuant to the substitution clause for education, the appellant needed to possess four years of the above-indicated experience. With regard to experience, the appellant indicated, in relevant part, that he served as an Assistant Crew Supervisor, Mechanics from October 2015 to the closing date

<sup>1</sup> The appellant also claimed he possessed 51 semester hour credits from Muhlenberg School of Radiography (Muhlenberg Radiography), but did not submit a copy of his transcript. Thus, Agency Services did not credit his semester hour credits from that institution.

(August 2016) and as an Automotive Mechanic from May 2004 to October 2015. However, Agency Services did not credit any of the appellant's indicated experience as applicable experience, as there was no indication that the identification, analysis and/or solution of workplace safety hazards were the primary duties in any position he held. Consequently, he was deemed ineligible for the subject examination.

On appeal, the appellant argues that he has more than 12 years of experience "in identifying, analyzing and/or creating solutions (repairs) to [vehicle] safety hazards while applying Federal OSHA and/or nationally recognized safety standards," including wearing the proper safety attire. He contends that the primary focus of his work as both an Assistant Crew Supervisor, Mechanics and an Automotive Mechanic was the required experience, given that, as a mechanic, his "primary function" was to be "responsible for the safety of the vehicles he repair[ed]." He adds that, as an Assistant Crew Supervisor, Mechanics, he maintained the safety of his subordinates and of the overall repair facility by guaranteeing that employees were trained in accordance with OSHA guidelines, monitoring staff compliance with Material Data Safety Sheets when working with hazardous materials, ensuring that any broken equipment was fixed, and overseeing the removal of snow and ice, as needed. The appellant submits a copy of a transcript from UCC which shows that he possesses a total of 100 semester hour credits from his combined studies at UCC and Muhlenberg Radiography and a copy of a New Jersey Department of Transportation (NJDOT) Minor Preventative Maintenance Inspection Sheet which delineates the preventative maintenance tasks he has performed with the NJDOT.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants must meet all requirements specified in an open competitive examination announcement by the closing date.

On appeal, the appellant has furnished a transcript which shows that he possesses a total of 100 semester hour credits from UCC and Muhlenberg Radiography. Therefore, pursuant to the substitution clause for education, the appellant needed to possess two years and eight months of the above-indicated experience. However, a review of the record demonstrates that Agency Services correctly determined that the appellant did not possess any applicable experience. 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). As an Assistant Crew Supervisor, Mechanics, the primary focus of the appellant's duties was assisting in the supervision and work associated with the installation, maintenance, repair and adjustment of varied types of motors, vehicles, and equipment. As an Automotive Mechanic, the primary focus of his duties included the maintenance and the repair of motor vehicles and equipment. Furthermore, there is no indication that any of

the appellant's remaining experience constitutes applicable experience for the subject examination. As such, while maintaining a safe environment may have been a priority at the appellant's workplaces, it is clear that the identification, analysis and/or solution of workplace safety hazards was not the primary focus of his duties in any title. Accordingly, the appellant has not met his burden of proof and there is no basis to disturb the decision of Agency Services.

**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 16<sup>TH</sup> DAY OF AUGUST, 2017



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