



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Yahsameen Bush,
Printing Operations Technician 2
(M0363T), Newark School District

Eligibility Appeal

CSC Docket No. 2016-1032

ISSUED: ~~NOV~~ 15 2016 (LDH)

Yahsameen Bush appeals the determination of the Division of Agency Services which found that he did not meet the experience requirements for the open-competitive examination for Printing Operations Technician 2 (M0363T), Newark School District.

The subject announcement was issued with a closing date of June 18, 2015. The examination was open, in part, to applicants who had completed a vocational, technical or specialized training program in graphic and printing communications with course work including printing techniques, copy preparation composition and layout, and graphic art, and who possessed three years of experience in work involving printing and graphic art techniques, layout, equipment and supplies. Applicants who did not possess the required education could substitute two years of additional nonsupervisory experience for the education requirement.

On his application, the appellant did not state that he completed any vocational, technical or specialized training program in graphic and printing communications. Thus, pursuant to the substitution clause for education he needed to possess five years of the indicated experience. He also stated that he was employed provisionally in the subject title from July 2014 to the closing date and as a Mail Clerk from April 2002 to June 2014. Agency Services credited him with only one year of applicable experience based on his provisional service in the subject title. The examination was cancelled as there were no eligible candidates.

On appeal, the appellant indicated that he has the knowledge, skills, and abilities necessary for the subject title. He highlights that he has been working provisionally in the subject title for over a year. In support, he submits, *inter alia*, a letter from Stacey Robinson, Director of Support Services for the appointing authority, stating that the appellant has been doing relevant job duties since January 2012 and a letter from his supervisor Michael Hughes, Creative Director, Professional Print and Mail Services, stating that the appellant has been doing relevant job duties for over three and a half years.

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. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because he did not possess five years of the indicated experience. However, the appellant was provisionally appointed to the title under test effective March 26, 2015 and continues to serve provisionally in that title. As the examination was cancelled, good cause has been shown to relax the above rule. The Civil Service Commission finds that the appellant now possesses four of the required five years applicable experience based on his performance of the indicated experience since January 2012. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b), for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded and the appellant'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
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

- c. Ychsameen Bush
Vanessa Rodriguez
Kelly Glenn
Records Center