



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Tyrone McClary,  
Assistant Superintendent Residential  
Group Center (PS5955P), Juvenile  
Justice Commission

Examination Appeal

CSC Docket No. 2018-2518

ISSUED: APRIL 9, 2018 (SLK)

Tyrone McClary appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Assistant Superintendent Residential Group Center (PS5955P), Juvenile Justice Commission.

The examination at issue was announced with specific requirements that had to be met as of the October 23, 2017 closing date. The education requirement was a Bachelor's degree. The experience requirements were four years of experience involving the care and custody of at-risk youth confined to a residential or rehabilitative facility, two years of which shall have been in a supervisory capacity. Applicants who did not possess the education could substitute experience as indicated on a year for year basis. A total of eight employees applied for the subject examination which resulted in four employees being admitted. The examination was administered on March 13, 2018. It is noted that there are three employees who are provisionally serving in the subject title, including the appellant.

On his application, the appellant indicated that he possessed six college credits. Additionally, the appellant indicated that he was provisionally serving in the subject title from November 2016 to the October 23, 2017 closing date, but did not indicate any other experience on his application nor did he submit a resume. A review of personnel records indicate that the appellant also served as a Youth Work Supervisor from February 2003 to November 2016 and held various other Youth Worker titles from June 1998 to February 2003. Agency Services credited the

appellant with one year of general and supervisory experience based on his provisional service in the subject title and two months of general experience based on his college credits, but determined that he lacked six years and 10 months of general experience and one year of supervisory experience.

On appeal, the appellant amends his application and presents that he served as a Youth Worker Supervisor from February 2003 to November 2016 and submits a resume that explains how he performed the required general and supervisory duties in this title.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *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.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination as the appellant only listed he was provisionally serving in the subject title from November 2016 to the October 23, 2017 closing date and did not indicate that he served as a Youth Work Supervisor. However, a review of personnel records indicates that the appellant served in this title from February 2003 to November 2016. Additionally, on appeal the appellant explains how he performed the required duties while serving in this title. Therefore, the appellant has demonstrated that he possesses the required general and supervisory experience. However, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes several circumstances present that provide good cause to permit the appellant to amend his application in this particular matter. In particular, there are only four employees who were admitted to the subject examination; however, there are three employees provisionally serving in the subject title. Such a circumstance will likely lead to an incomplete list. Additionally, the appellant continues to serve provisionally in the subject title. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and

abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). In this regard, the Commission finds that the appellant's provisional service in the subject title and his experience as a Youth Worker Supervisor demonstrates that he has the required general and supervisory experience that warrants his admission to the subject examination. Accordingly, good cause is established to relax the provisions of N.J.A.C. 4A:4-2.1(f) and admit the appellant.

The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

### ORDER

Therefore, it is ordered that the appeal be granted, the appellant's application be processed and he be scheduled for a make-up examination as soon as possible.

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 4<sup>th</sup> DAY OF APRIL, 2018



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