



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Richard Beeks,
Maintenance Worker 2, Grounds
(PM0104A), Elizabeth

Examination Appeal

CSC Docket No. 2020-277

ISSUED: SEPTEMBER 12, 2019 (SLK)

Richard Beeks appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Maintenance Worker 2, Grounds (PM0104A), Elizabeth.

The examination at issue was announced with specific requirements that had to be met as of the January 22, 2019 closing date. The examination was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date and were currently serving as a Maintenance Worker 1, Grounds. The experience requirements were one year of experience in the care and maintenance of grounds. Two employees applied, and one was determined eligible. As the appellant did not list any experience on his application, Agency Services found him ineligible for failing to complete his application. The eligible list, containing the name of the one eligible employee, promulgated on July 11, 2019 and expires on July 10, 2022.

On appeal, the appellant indicates that he has been serving as a Maintenance Worker 1, Grounds from 1991 to the present.¹ The appellant describes how he has performed the required duties in this position.

¹ Personnel records indicate that the appellant was a Maintenance Worker 1, Grounds from June 2016 to the January 22, 2019 closing date and a Laborer 1 from July 1991 to June 2016.

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) provides that a rule may be relaxed for good cause in a particular circumstance 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 he did not list any experience on his application. On appeal, the appellant describes how he has performed the required duties as a Maintenance Worker 1, Grounds. Additionally, personnel records indicate that the appellant has served in this title since June 2016. Therefore, the appellant demonstrated that he possessed the required experience by the January 22, 2019 closing date. 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 set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, the eligible list is incomplete as there is only one candidate on the list. Further, the Civil Service Commission (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 has demonstrated that he has the required experience for Maintenance Worker 2, Grounds by the closing date, which, based on the circumstances presented, 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.

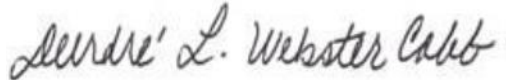
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent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

ORDER

Therefore, it is ordered that the appeal be granted, 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 SEPTEMBER, 2019



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