



**STATE OF NEW JERSEY**

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

In the Matter of Damond Marsette,  
Custodian (PM2654B), Newark  
School District

Examination Appeal

CSC Docket No. 2021-233

**ISSUED: NOVEMBER 6, 2020 (SLK)**

Damond Marsette appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Custodian (PM2654B), Newark School District.

The examination was open to employees in the non-competitive division who were serving as a Custodial Worker with one year of continuous permanent service as of the July 21, 2020 closing date. The experience requirements were two years of experience in work involving the heating, inspection, cleaning and maintenance of furniture, fixtures, offices and buildings, and the reconditioning, care and maintenance of grounds. A total of three employees applied for the subject examination and one was determined eligible. Certification PL200787 was issued containing the name of the one eligible and its disposition is due December 3, 2020. The list expires on August 26, 2023.

Agency Services credited that appellant with having sufficient permanent service in a title to which the examination was open as personnel records indicate that he has been serving as a Custodial Worker since February 2017. However, the appellant did not indicate any experience on his application. Therefore, Agency Services determined that he was ineligible as his application was incomplete.

On appeal, the appellant indicates that he filled out his application on July 6, 2020 on the Online Application System (OAS). However, he states that he was unable to upload his documents as the system kept freezing. Therefore, the appellant explains that he mailed his resume, other documents and the application fee on July

7, 2020, and asserts that this agency should have received this prior to the July 21, 2020 closing date. Additionally, the appellant describes in detail how he performed all required duties for the subject examination while serving as a Custodian for the appointing authority since 2010.

## 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. A review of the OAS indicates that this agency did receive his application on July 6, 2020. However, the application did not contain any employment information. Further, the appellant's resume and other documentation were not received until August 19, 2020, which is after the July 21, 2020 closing date. Additionally, the appellant has not indicated that he reached out to this agency explaining that he was having issues with the OAS. Further, the appellant has not presented any evidence demonstrating when he mailed his resume and other documents to this agency. It is noted that during the current health pandemic, this agency has limited in-person staff. Moreover, the post office has also been experiencing delays. Regardless, a review of the appellant's resume that was received by this agency after the closing date did not adequately demonstrate that he was performing the required duties. On appeal, the appellant provides a more detailed explanation which demonstrates that he did perform the required duties. 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 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 Custodian 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 4<sup>TH</sup> DAY OF NOVEMBER 2020

*Deirdre L. Webster Cobb*

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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Damond Marsette  
Nafisah Hunter  
Agency Services  
Records Center