

On appeal, the appellant argues that he is been doing the duties of the subject title since July 20, 2010, and he provides a list. His supervisor and the Bureau Chief confirm that he has been doing Inspector Mosquito Extermination duties since July 2010. The appointing authority supports the appeal.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides, in pertinent part, that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

CONCLUSION

Initially, the appellant was correctly denied admittance to the subject examination since he did not indicate on his application that he possessed the required in-title experience. In this regard, he did not list his experience in the Road Repairer 1 and Laborer 1 titles on his application. Further, performing the duties to establish eligibility for the title under test would be considered out-of-title work for incumbents in these titles. Nonetheless, the appellant has sent in clarifying information regarding the duties of his position, which indicated that he accrued at least an additional seven months of experience. Further, his supervisor and the Bureau Chief confirm the performance of the required duties, and the eligible list is incomplete. The appointing authority wishes to make multiple appointments and therefore there is a basis for accepting out-of-title experience. As such, good cause exists to accept the clarification of the appellant's experience, and admit him to the subject examination. However, this remedy is limited to the facts of this situation and may not be used as precedent in any other proceeding.

One further note is required here regarding the appellant's application. The Commission makes official determinations of eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions who are also required to pass a competitive examination and be certified in order to be considered for permanent employment in the competitive division of the career service. *See In the Matter of Jennifer Napoli* (MSB, decided February 24, 2004). Thus, the application is utilized to screen the candidate pool to ensure that applicants meet the minimum experience requirements for each position. Provisional appointees are not exempt from this screening process.

Instructions for completing the application state, "Carefully review your application to ensure that it is complete and accurate before submitting," and "You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application

properly may cause you to be declared ineligible or may lower your score if your application is your test paper.” Further, the applications states, “Employment Record: You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail.” The Online Application System User Guide asks candidates to review the application to make sure the information is complete and accurate. It also states that, by clicking “yes” to make a payment and submit the application, the candidate is told that he or she is certifying that the application is complete and accurate.

The appellant did not properly complete his application. The appellant was regularly appointed as a Laborer in April 2007, and was promoted to Road Repairer 1 in January 2015. The appellant only indicated experience in his provisional position, and did not list his remaining positions. As such, there were no duties given on his application for any title except his provisional position. He also did not provide duties for each of his positions on appeal. He was admitted to this examination based on the clarification of his duties. However, he is cautioned, when filing applications in the future, to provide all requested information on an application, including separately listing duties for each of his positions.

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 23rd DAY OF MAY, 2018



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