



STATE OF NEW JERSEY

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

In the Matter of Douglas Baum, Line
Worker (PM1638W), Butler

Examination Appeal

CSC Docket No. 2019-1498

ISSUED: JANUARY 22, 2019 (SLK)

Douglas Baum appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Line Worker (PM1638W), Butler.

The examination at issue was announced open to those with one year of continuous permanent service as a Line Worker Helper and who met specific requirements as of the June 21, 2018 closing date. The requirements for the examination were one year of experience in installation and maintenance of power lines, equipment and structures energized at a similar voltage level as operated by the appointing authority. A total of four employees applied for the subject examination which resulted in a list of two eligibles. Certification PL181546 was issued containing the name of an eligible from a still active prior list and the names of the two eligibles from the subject list. The disposition of this certification is due March 5, 2019. It is noted that there are currently five employees, including the appellant and the two eligibles from the subject list, who are provisionally serving in the subject title.

On his application, the appellant indicated that he was provisionally serving in the subject title from March 2018 to the June 21, 2018 closing date. He did not list any other positions or prior experience. Personnel records indicate that the appellant was provisionally serving in the subject title from January 2018 to the June 21, 2018 closing date, a Line Worker Helper from April 2015 to January 2018, and a Laborer 1 from March 2013 to April 2015. Agency Services credited him with

four months of experience, but determined that he lacked eight months of experience.

On appeal, the appellant describes his duties to show that he has been performing the required duties since he was appointed as a Line Worker Helper in April 2015.

CONCLUSION

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 his Line Worker Helper experience on his application. On appeal, the appellant demonstrated that he had one year of continuous permanent service in the title and more than one year of the required 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 set in the announcement, the Civil Service Commission (Commission) notes circumstances present that provide good cause to permit the appellant to amend his application in this particular matter. Specifically, there are currently five employees provisionally serving in the subject title and there are only three names on the subject certification, which includes the only two names that are on the subject list. Additionally, the appellant continues to serve provisionally in the subject title. 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, 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

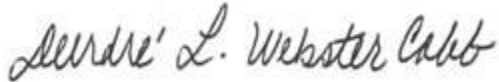
be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

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 16th DAY OF JANUARY, 2019



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