



STATE OF NEW JERSEY

 FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Cynthia Rios,
Assessing Aide (M0290W), City of
Perth Amboy

Examination Appeal

CSC Docket No. 2019-1390

ISSUED: JANUARY 22, 2019 (RAM)

Cynthia Rios appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the open competitive examination for Assessing Aide (M0290W), City of Perth Amboy.

By way of background, the announcement for the subject examination was issued on March 1, 2018 and was open to residents of the City of Perth Amboy, who possessed one year of experience in field investigations which shall have included gathering of significant data as of the March 22, 2018 closing date. It is noted that the resulting eligible list promulgated with one eligible on November 1, 2018 and expires on October 31, 2021. An incomplete certification with the one eligible was issued on November 5, 2018 and has not yet been disposed. It is due to be disposed on or before February 5, 2019.

On her application, the appellant indicated that she was serving provisionally in the subject title from July 2017¹ to the March 2018 closing date. Agency Services credited the appellant for having nine months of experience as of the closing date, determining that she lacked three months of required experience. Previous experience listed on the appellant's application was deemed not applicable.

On appeal to the Civil Service Commission (Commission), the appellant explains how she has been performing the required duties while provisionally

¹ Agency records indicate that the appellant was appointed provisionally pending open competitive examination procedures effective July 1, 2017.

serving in the subject title for the past 17 months. Thus, she requests admittance to the subject examination.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because she did not meet the experience requirement as of the March 22, 2018 closing date since she lacked three months of full-time experience. The appellant was provisionally appointed to the title under test effective July 1, 2017 and continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, she has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the eligible list is incomplete. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed for prospective employment opportunities.

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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