



STATE OF NEW JERSEY

In the Matter of Alan Tusing,  
Equipment Operator (M0067A),  
Asbury Park

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2020-73

Examination Appeal

: ISSUED: AUGUST 1, 2019 (BW)

Alan Tusing appeals the determination of the Division of Agency Services that he did not meet the experience requirements for the open competitive examination for Equipment Operator (M0067A), Asbury Park.

The subject open competitive examination was announced with specific requirements which had to be met as of the announced closing date of January 7, 2019. It is noted that there were only three applicants for the subject examination, and the examination was cancelled after the appellant and the other applicants were found ineligible for the examination.

A review of official records, in conjunction with the appellant’s application, indicate that he has served provisionally in the subject title from April 16, 2018 through the January 7, 2019 closing date of the examination. In reviewing the appellant’s application, the Division of Agency Services credited his nine months of experience as a provisional appointee in the title under test. However, the appellant did not list any other experience and did not submit his resume with his application. Thus, the appellant was found to be lacking three months of experience.

On appeal, the appellant argues that he performed duties consistent with the requirements for the subject examination while serving as a landscaper from 2001–2018, listing machines that he had experience operating. In addition, the appellant provides detailed descriptions of the duties he performed while serving as a provisional appointee in the subject title

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that appellants have the burden of proof in examination and selection disqualification appeals. Further, *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

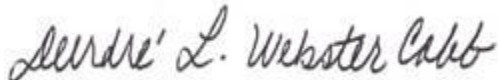
Initially, the Division of Agency Services correctly determined that the appellant did not demonstrate three years of relevant experience on his original application. However, the record indicates that the appellant has been serving provisionally in the title under test for more than six additional months since the closing date of the examination and now possesses the required experience for the examination in question. Moreover, the examination was cancelled since no applicants were deemed eligible. Accordingly, admitting the appellant to the examination would enable the appointing authority to effect a permanent appointment, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b), and accept the appellant's provisional experience beyond the closing date for eligibility purposes only and admit him to the subject examination.

## ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded and Alan Tusing's application be processed.

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 31<sup>ST</sup> DAY OF JULY, 2019



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