

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jose Cotto, Water Repairer 2 (M0211A), Trenton

CSC Docket No. 2019-2904

Examination Appeal

ISSUED: SEPTEMBER 12, 2019 (SLK)

Jose Cotto appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Water Repairer 2 (M0211A), Trenton.

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The examination at issue was announced with specific requirements that had to be met as of the March 7, 2019 closing date. The experience requirements were two years of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work. The two individuals who applied for the subject examination were determined ineligible and the examination was cancelled due to a lack of qualified candidates.

The appellant's application indicated that he was a Water Repairer 1 from March 2018 to the March 7, 2019 closing date. However, he provides no further employment history. Personnel records indicate that he was a Water Repairer 1 from November 2018 to the closing date, provisionally serving in the subject title from October 2018 to November 2018, a Water Repairer 1 from March 2018 to October 2018, and a Laborer 1 from September 2009 to March 2018. Agency Services did not credit the appellant with any experience.

On appeal, the appellant indicates that he has sufficient experience to meet the requirements. He provides a detailed description of his duties in his positions.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination 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) 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 any experience on his application prior to March 2018. On appeal, the appointing authority confirms that the appellant performed the required duties starting in May 2014 while serving as a Laborer 1. Therefore, the appellant demonstrated that he possessed the required experience by the March 7, 2019 closing date. 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 examination was cancelled due to a lack of qualified candidates. Further, the Civil Service Commission (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 Water Repairer 2 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, the cancellation of the examination 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 10th DAY OF SEPTEMBER, 2019

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Chairperson

Civil Service Commission

Inquiries Christopher S. Myers and

Director

Division of Appeals Correspondence and Regulatory Affairs Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

Jose Cotto c: Adam Cruz Kelly Glenn Records Center