



On appeal, the appellants maintain that they meet the experience requirements. In support, they submit copies of their valid CDL, Class A driver's licenses with tanker endorsements and without airbrake restriction.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed in the appellants' original applications. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004).

In this case, Nicolas provides clarifying documentation confirming that he possesses the proper CDL license. As such, the Commission is satisfied that he satisfies the requirements. Regarding Howley, while he did not apparently upload his license, given that is the only requirement and his license presented on appeal was valid prior to the closing date, the Commission will relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and accept the license. In this regard, the purposes of the Civil Service System are best served when more candidates are permitted to demonstrate their merit and fitness for promotion via examination. Under these circumstances, the appellants should be admitted to the subject examination. However, both appellants are warned to ensure that any future applications are fully completed.

This decision is based on the particular facts of this matter and shall not be used as a precedent for any future matters.

### ORDER

Therefore, it is ordered that these appeals be granted and the appellants' applications 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 29<sup>th</sup> DAY OF JANUARY, 2020

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