



STATE OF NEW JERSEY

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

In the Matter of Orlando Irizarry,
Institutional Trade Instructor 2,
Warehousing (PS06841), Albert C.
Wagner Youth Correctional Facility

Examination Appeal

CSC Docket No. 2020-2392

ISSUED: MAY 22, 2020 (ABR)

Orlando Irizarry appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Institutional Trade Instructor 2, Warehousing (PS0684I), Albert C. Wagner Youth Facility.

The examination was open to applicants who, as of the October 21, 2019 closing date, possessed three years of experience in the warehouse and/or commissary trades which include the receipt, recording, storage and distribution of varied types of equipment, materials, and supplies, one year of which must have included the training of new workers. The subject examination was cancelled on April 4, 2020, as both applicants, including the appellant, were deemed ineligible.

On his application, the appellant stated that he served provisionally as an Institutional Trade Instructor 2, Warehousing from February 2019 to the closing date (October 2019) and as a Storekeeper 2 from April 2015 to February 2019. Agency Services credited the appellant with three years of general experience but, determined that he lacked one year of training experience. Consequently, he was deemed ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant argues, in relevant part, that he meets the requirements for the subject title and describes the relevant duties he has performed in detail, including, in relevant part,

training civilian and inmate staff as a provisional Institutional Trade Instructor 2, Warehousing.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants must meet all requirements specified in a promotional 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.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. In this regard, the appellant, in his application, demonstrated that he possessed three years of general experience, but failed to indicate he also possessed one year of training experience, as required. However, on appeal the appellant has demonstrated that based upon his provisional service as an Institutional Trade Instructor 2, Warehousing, he possessed nine months of experience training civilian and inmate staff as of the closing date. In addition, a review of the record indicates that the appellant continues to serve provisionally in the subject title and that he possesses the required additional three months of applicable training experience based upon this post-closing date provisional service. Furthermore, the record indicates that the examination situation is not competitive, as the subject examination was cancelled after both applicants, including the appellant, were deemed ineligible. In this regard, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this 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
20TH DAY OF MAY, 2020

Deirdre L. Webster Cobb

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Chairperson
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