

2022. That certification was issued against the appellant's provisional appointment and it is pending,

On her application, the appellant listed her work experience as a provisional Supervising Library Assistant from October 2019 to November 2020 and as a Library Assistant from October 2016 to October 2019. Upon a review of her application, Agency Services credited the appellant with one year and two months of experience she gained provisionally in the subject title and one year and seven months of prorated experience as a part-time Library Assistant. Therefore, it was determined that the appellant lacked three months of full-time applicable experience prior to the closing date.

On appeal to the Civil Service Commission (Commission), the appellant states that she inadvertently put the wrong date on her application as to when she became a full-time employee with the Union Public Library. The appellant states she was made full-time as a Supervising Library Assistant on August 1, 2019 and not in October of 2019, and that she continues to serve in that position.¹ Lastly, the appellant contends that based on her years of employment and experience with the library, it is her belief that she meets the announced requirements for the subject examination. In support of her claims, the appellant submits a letter of recommendation from the interim Library Director.

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. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination, as she was below the minimum requirements in experience as of the November 23, 2020 closing date. However, a review of agency records indicates that the appellant was appointed provisionally to the Supervising Library Assistant title in August of 2019. Therefore, the experience she gained provisionally in the title should be credited to her as one year and four months of relevant experience. It is noted that during the pendency of the appeal, Agency Services recalculated the appellant's work experiences based on the clarification, but she was still found to be ineligible for the subject examination as she lacked two months instead of three months of applicable experience as of the closing date. The appellant's prorated time as a Library Assistant was also adjusted to one year and six months of experience.

¹ Agency records indicate that the appellant was appointed provisionally pending open competitive examination procedures effective August 1, 2019.

Nonetheless, the appellant has been serving provisionally in the subject title since August 2019. Thus, she now possesses enough applicable experience based on this service. Absent accepting the appellant's provisional experience after the closing date, there will be an incomplete list of less than three interested eligibles for the position. Moreover, the appointing authority did not make a permanent appointment from the June 7, 2021 certification (OL210513) and the October 7, 2021 certification (OL210939) is still pending.² Under the circumstances of this case, the Commission finds good cause to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and admit the appellant to the examination.

In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). The Commission notes that the appellant's remedy is limited to the unique circumstances of this matter and does not provide a precedent in any other matter.

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 27TH DAY OF OCTOBER, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

² However, the filing of an appeal does not stay administrative processes. Thus, the appointing authority must dispose of that certification. Further, a sufficient basis has not been presented in this matter to add the appellant to the pending certification.

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Sandra Leonelli
Donald Travisano
Claudia Mejia
Division of Agency Services
Records Center