



STATE OF NEW JERSEY

In the Matter of Byron Britton,
Senior Maintenance Repairer
(PC3243C), Burlington County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-704

Examination Appeal

**ISSUED: NOVEMBER 22, 2021
(SLK)**

Byron Britton appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Senior Maintenance Repairer (PC3243C), Burlington County.

The subject examination's closing date was May 21, 2021. The experience requirements were one year of experience in maintenance work involving a variety of tasks. A total of three employees applied and all three were determined ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On the appellant's application, he indicated that he was provisionally serving in the subject title from April 2021 to the May 21, 2021 closing date. However, he did not list any other experience. Personnel records indicate that the appellant was provisionally serving in the subject title from April 2021 to the closing date and a Maintenance Repairer from April 2008 to April 2021. Agency Services did not credit the appellant with any experience.

On appeal, the appellant presents that he has been employed by the appointing authority since April 2008. He explains how as a Maintenance Repairer he performed a variety of maintenance and repairer tasks in a variety of areas. Additionally, the appellant indicates that he made cabinets, rebuilt porches, repaired fishing piers, and installed benches and barbecue grills. Further, when he was provisionally appointed to the subject title, he took the lead when the supervisor was not available, and he inspected the work completed by other Maintenance Repairers. He also made a material list and checked and approved work orders performed by other workers.

CONCLUSION

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

Initially, Agency Services correctly determined that the appellant was not eligible as he only listed his provisional service in the subject title on his application. However, on appeal, the appellant describes how he performed the required duties since April 2008 both during his provisional service in the subject title and as a Maintenance Repairer. 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 and the appellant continues to successfully serve in the subject title. Further, the 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 the subject title 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.

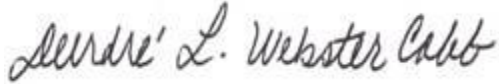
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination announcement 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 17TH DAY OF NOVEMBER 2021



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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: Byron Britton
Eve Cullinan
Division of Agency Services
Records Center