



one year and six month's experience, but determined that he lacked six month's experience.

Whitcomb did not indicate any experience on his application. Personnel records indicate that he was provisionally serving in the subject title from August 2019 to the February 21, 2020 closing date, a Repairer from October 2017 to August 2019, and served in other State service titles from September 2008 to October 2017. Agency Services determined that Whitcomb was ineligible due to an incomplete application.

On appeal, Deitrick presents that he started in the repair shop as a temporary technician in May 2018 before becoming a permanent Repairer in September 2018. He describes in detail that duties that he performed in these positions as well as his experience prior to State service.

Whitcomb explains that he has been working in the repair shop since October 2017. He submits a Position Classification Questionnaire (PCQ) which describes in detail the duties that he performed as Repairer. He submits payroll records that indicate that he was a Repairer from October 2017 to July 2019 and then he was provisionally promoted to Senior Repairer starting in August 2019.

## 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 purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that Deitrick was not eligible as he lacked the required experience by the February 21, 2020 closing date and Whitcomb was not eligible because he did not indicate any experience on his application. However, the record indicates that there are currently three employees serving in the subject title and four names on the eligible list. Therefore, based on the anticipated vacancies that the appointing authority needs to fill, the list is incomplete. Further, personnel records indicate that the Deitrick continues to provisionally serve in the subject title and has gained the required experience after the closing date. Additionally, Whitcomb amended his application to describe how he performed the required duties while serving as a Repairer and provisional Senior Repairer, which provided him the required experience. 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

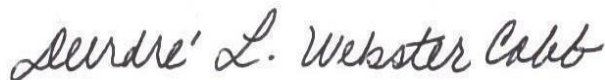
opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, under these circumstances, the Commission finds good cause under N.J.A.C. 4A:1-1.2(c) to relax the provisions of N.J.A.C. 4A:4-2.6(a) and N.J.A.C. 4A:4-2.1(f) and accept Deitrick's experience gained after the closing date and Whitcomb's amended application, for eligibility purposes only, and admit them to the subject examination. However, the Commission cautions Whitcomb to ensure that any future applications are fully completed.

### ORDER

Therefore, it is ordered that the 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 24<sup>TH</sup> DAY OF MARCH, 2021




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