



B-021

**STATE OF NEW JERSEY**

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

In the Matter of James Barden, Jr.,  
Laborer 2 (PC1728A), Union County

Examination Appeal

CSC Docket No. 2021-251

**ISSUED: MAY 3, 2021 (BS)**

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James Barden, Jr. appeals the determination of the Division of Agency Services (Agency Services) which found that he did not submit a complete application for the promotional examination for Laborer 2 (PC1728A), Union County.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of December 23, 2019. Specifically, all applicants had to possess one year of experience in manual labor work. A total of 11 employees applied for the subject examination that resulted in a list of 7 eligibles with an expiration date of July 29, 2023. It is noted that 6 eligibles were appointed from the list and one eligible was removed. Therefore, the list has been exhausted.

The appellant filed an application which he failed to complete. As a result, he was found ineligible due to an incomplete application. Consequently, the appellant's experience could not be evaluated.

On appeal, the appellant asserts that he was never notified that his application was incomplete. In support of his appeal, the appellant submits screen shots of what he claims to have included on his original application. He includes a screen shot of his employment record, which included the position of Laborer 2 from September 1989 through 12/2019, with Union County.

**CONCLUSION**

*N.J.A.C.* 4A:4-2.6(a) provides that applicants for promotional examinations shall meet all requirements in the promotional examination by the announced closing

date, including submitting an application and any additional supplemental information on or before the announced application filing deadline, in this case December 23, 2019. Pursuant to *N.J.A.C. 4A:4-2.1(f)*, any supplemental information received after the closing date cannot be considered. *N.J.A.C. 4A:1-1.2(c)* provides that the Civil Service Commission (Commission) may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C. 4A:4-6.3(b)* provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the December 23, 2019 closing date, the appellant failed to submit a complete application. Accordingly, he was correctly deemed ineligible for the subject examination per Agency Services. However, in the instant matter, the Commission notes that, on appeal, the appellant submitted a screen shot of the application he claims to have submitted which included his position of Laborer 2. The Commission has reviewed that information and finds that it satisfies the experience requirement for the subject promotional examination.

Generally, information not included on the submitted application by the closing date cannot be considered. *See N.J.A.C. 4A:4-2.1(f)*. However, the appellant has demonstrated on appeal that he satisfies the experience requirement and continues to successfully serve provisionally in the title under test. Additionally, the subject eligible list has been exhausted as six permanent appointments were made from the list and the name of the remaining eligible was removed. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and *N.J.A.C. 4A:4-2.1(f)*, permit the appellant to amend his application, and accept the qualifying experience he has presented on appeal and admit him to the subject examination. This will allow him the opportunity to be tested and be considered for a prospective permanent appointment to the subject title.

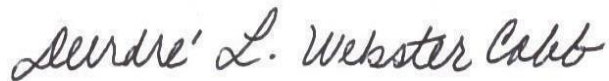
The Commission emphasizes that the remedy in this matter is limited to the specific facts presented and shall not be utilized as a precedent in any other proceeding. The importance of submitting a properly completed application that includes all the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Therefore, the Commission cautions the appellant that he must properly complete and submit any applications he may file in the future.

### **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 28th DAY OF APRIL, 2021



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