



STATE OF NEW JERSEY

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

In the Matter of Victor Babecki,
Supervisor of Postal Services
(PS4187I), Department of Corrections

Examination Appeal

CSC Docket No. 2021-1925

ISSUED: AUGUST 6, 2021 (SLK)

Victor Babecki appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Supervisor of Postal Services (PS4187I), Department of Corrections.

The subject examination's closing date was December 21, 2020. The experience requirements were five years of experience in the operation of a large mailing section which shall have included three years of experience in a supervisory capacity with the responsibility for the maintenance of records and accounts. The appellant was the only applicant, and 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 August 2019 to the December 21, 2020 closing date. He provided no further positions. Personnel records indicate that the appellant was provisionally serving in the subject title from August 2019 to the subject examination closing date, an Institutional Trade Instructor 2, Warehousing from December 2012 to August 2019, an Institutional Trade Instructor 1, Warehousing from August 2007 to December 2012, a Storekeeper 2 from March 2006 to August 2007, and a Clerk Driver from April 2005 to March 2006. Agency Services credited the appellant with

one year and five months of experience, but determined that the appellant lacked three years and seven months of experience.

On appeal, the appellant presents that he has 16 years of experience with the appointing authority. He states that he has 14 years of experience as an Institutional Trade Instructor 2. The appellant submits his resume to describe his experience in more detail. Further, the Supervising Administrative Analyst for the Office of Financial Management describes how the appellant performed the required duties while serving an Institutional Trade Instructor 2.

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 presented his provisional service in the subject title on his application and he did not submit a resume. However, on appeal, the appellant describes how he performed the required duties as an Institutional Training Instructor 2, Warehousing¹ and the Supervising Administrative Analyst for the Office of Financial Management confirmed that the appellant performed the required duties for sufficient time while serving in this title. 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.

¹ Even if the required duties are out of title for an Institutional Training Instructor 2, Warehousing, the appellant's supervisor confirmed that he was performing the required duties in this title. See *N.J.A.C.* 4A:4-2.6(c).

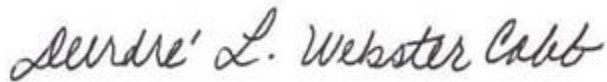
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any 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 4TH DAY OF AUGUST, 2021



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