



**STATE OF NEW JERSEY**

In the Matter of Michael Tassone,  
Municipal Recycling Coordinator  
(M0407C), Bayonne

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

CSC Docket No. 2022-1104

Examination Appeal

**ISSUED: APRIL 11, 2022**

Michael Tassone appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Municipal Recycling Coordinator (M0407C), Bayonne.

The subject examination’s closing date was September 21, 2021. The experience requirements were two years of experience in the management of a solid waste, recycling or resource recovery program. A total of two candidates applied and both were deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant indicated that he was provisionally serving in the subject title from May 2020 to the September 21, 2021, closing date, and a Recycle Program Aide from April 2016 to May 2020. Agency Services credited the appellant with one year and five months of experience based on his provisional service in the subject title, but determined that he lacked seven months of experience by the closing date.

On appeal, the appellant presents that he started working for the appointing authority in 2016 and has been managing the recycling yard since that time. He also presents that he is a Certified Recycling Professional.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the 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 the appellant was not eligible as he lacked seven months of the required experience by the July 21, 2021 closing date. Specifically, the job specification definition for Recycling Program Aide indicates that incumbents in this title primarily disseminate information about the recycling program, but do not manage the recycling program. Therefore, Agency Services correctly did not credit the appellant for this experience. However, the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date and the subject examination has been cancelled due to a lack of qualified candidates. 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, 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:4-2.3(b)2 and accept the appellant's experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination.

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, 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 6<sup>TH</sup> DAY OF APRIL 2022

*Deirdre' L. Webster Cobb*

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