



STATE OF NEW JERSEY

In the Matter of Isaac Lane, Painter
(M0538B), Newark School District

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

CSC Docket No. 2022-2028

Examination Appeal

ISSUED: AUGUST 3, 2022 (SLK)

Isaac Lane 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 Painter (M0538B), Newark School District.

The subject examination’s closing date was July 21, 2020. The experience requirements were three years of experience in work involving the painting and repainting of the interior and exterior of buildings and structures. A total of 33 individuals applied and 10 were found eligible. Certification OL210388 was issued containing the names of the 10 eligibles, where six were appointed, two were retained, and two were removed. Certification OL210565 was issued containing the two remaining eligibles, where one was removed and one was retained as there were no appointments. The list expires on April 28, 2024.

On the appellant’s application, he indicated that he was a Painter for the Newark Public Schools, JPL Painting, and the Newark Housing Authority. Agency Services did not credit him with any experience as he did not list the dates that he worked for each organization.

On appeal, the appellant indicates that he was a Seasonal Painter for Newark Public Schools from June 1995 to the present and a Seasonal Painter for the Newark Housing Authority from December 1995 to May 2004. He also submits a verification of employment letter that indicates that he has been a per diem Painter with the

Newark Public Schools from December 1998 to the present, where he is employed on a day-to-day basis as needed.

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. Further, *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.

In this matter, Agency Services correctly determined that the appellant was not eligible as he did not specify the dates and number of hours that he worked for employers. Therefore, it could not determine if the appellant had the equivalent of three years of full-time experience performing the required duties. However, while the appellant is still unable to precisely identify the time that he worked for employers, the record indicates that he has worked for the appointing authority on an as needed per diem basis since 1998 as a Painter. Moreover, the list is incomplete as there is only one name remaining on the list. 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, 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.

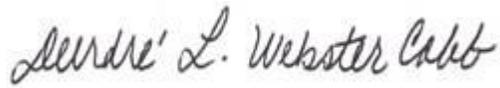
ORDER

Therefore, it is ordered that 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 3RD DAY OF AUGUST 2022



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