

loading/unloading trucks with necessary material for assigned jobs. The appellant adds that in his role he also been assigned to strip and refinish floors, remodel City facilities and use equipment such as hammers, saws and drills. He also adds that in his roles with Cape May he has also supervised staff assigned directly to him as well as other seasonal staff hired to take on the influx of foot traffic during the summer months. The appellant was also responsible for collecting rubbish and recycling from others and restrooms, cleaning and polishing walls, floors and fixtures and doing minor repair such as securing toilet seats, tightening doorknobs, and light bulbs.

Baggett states that she has been employed by Cape May as a Laborer 1 and for the 11 years prior, as a seasonal employee. She submits a letter from the Superintendent of Public Works, Cape May who indicates that she has had above average employment evaluations and that she does indeed possess the required knowledge and experience to fill the roll. The appellant further encloses a letter from the City Manager who states that she has had over 10 years of experience and she meets the experience requirements as listed on the Civil Service Job Specification for Laborer 2. In support, the appellant states she has supervised staff directly as well as other seasonal staff hired to take on the influx of foot traffic during summer months. She also adds that she assists in moving heavier items such as desks and office equipment and ensures the work area is left in clean condition.

Agency records indicate that the appellants received provisional appointments to the title of Laborer 2, effective June 21, 2021, and continue to serve in that capacity. Agency records also indicate that the appellants completed all parts of their applications excluding experience prior to the closing date of the examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination 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 application filing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellants were ineligible for the subject examination as of the December 21, 2021, closing date since no experience was indicated on their completed applications. However, on appeal, the appellants attached letters in support of their appeals of the subject title and maintain that they have the necessary experience for the title. The information provided shows the appellants are qualified for these positions. The appellants also provide further clarification of the duties they performed in their positions.

Although this information amends the appellants' applications, the Commission will allow the amendment in this case. In this regard, the appellants continue to serve provisionally in the subject title and no eligibles remain on the list. Under these particular 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)*, to permit the appellants to amend their applications, and accept their qualifying experience, for eligibility purposes only, and admit them to the examination.

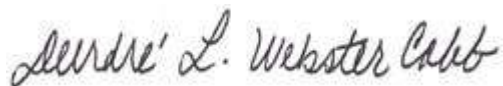
However, the Commission emphasizes that the remedy in this matter is limited to the specific facts presented and shall not be utilized as a precedent in any other proceeding. The importance of submitting a properly completed application that includes all the necessary information cannot be overstated, 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 appellants that they must properly complete any applications they may file in the future.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications be processed for prospective employment opportunities.

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 12TH DAY OF OCTOBER, 2022



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