



STATE OF NEW JERSEY

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

In the Matter of Scott Kurz,
Mechanic Diesel (M0314D),
West Milford

CSC Docket No. 2022-3221

Examination Appeal

ISSUED: October 12, 2022 (RE)

Scott Kurz appeals the determination of the Division of Agency Services which found that he did not meet the minimum experience requirements for the open-competitive examination for Mechanic Diesel (M0314D), West Milford.

The subject open-competitive examination was announced with a March 21, 2022 closing date, and was open to residents of West Milford and Passaic County who meet the announced requirements. These requirements included successful completion of one year of training in diesel engine repair at an accredited community college or vocational school, and two years of experience in the installation, maintenance, and repair of diesel engines. There were two candidates on the eligible list, which was certified once, and both have been appointed.

On his application, the appellant indicated that he completed a program in Automotive/Diesel & Industrial Technology from Universal Technical Institute. He listed one position, provisional Mechanic Diesel, from May 2021 to the March 2022 closing date. As he had not indicated working with diesel engines in this position, he was found to be lacking two years of experience.

On appeal, the appellant argues that he held a previous position with Raymond of New Jersey, a forklift rental and sales company, for 13 years where he worked on diesel industrial material handling equipment.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended 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 particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

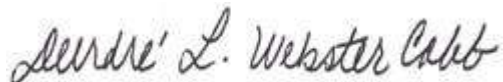
Initially, the appellant was correctly denied admittance to the subject examination since he failed to indicate two years of qualifying experience on his application. For any future positions in which he might be interested, the appellant is cautioned that he should complete his application and provide all requested information. While the appellant failed to follow basic instructions in filling out his application, the prior certification was exhausted as both eligibles were appointed, the appellant is still serving as a provisional appointee, and he has indicated that he possessed applicable experience in a prior position that was not originally indicated on his application and which meets the announced requirement. Based on the particular circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) and *N.J.A.C.* 4A:4-2.1(f) to accept the appellant's amended experience and admit him to the examination for prospective appointment consideration.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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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