



Upon a review of the appellant's application, Agency Services credited the appellant with one year and seven months of experience that he gained provisionally in the subject title from February 2020 to September 2021. Therefore, Agency Services concluded that he lacked four years and five months of applicable experience as of the September 21, 2021 closing date. It is noted that agency records indicate that appellant was appointed to the subject title effective February 27, 2020. Prior to that appointment, he also served as a Maintenance Worker 1, Grounds, Truck Driver, Supervisor Parks, and Maintenance Worker 2, Grounds on various dates with the City of Trenton commencing on January 12, 1998.

On appeal to the Civil Service Commission (Commission), the appellant states he has been employed with the City of Trenton since 1997 in the Department of Recreation, Natural Resources and Culture. Moreover, he indicates that in the positions of Grounds Maintenance Worker and Supervisor Parks, he gained over 24 years of experience in performing various building maintenance repairs and in the maintenance of trees, plants, and grounds. In support of his appeal, the appellant clarifies his work history and provides copies of a position classification review conducted by the Commission in July 2016.<sup>1</sup> The appellant explains that in 2011, due to financial constraints, his title was changed from Supervisor Parks to Truck Driver, however, he continued to perform the duties of a Supervisor Parks. Further, he explains that his job responsibilities since 2005 consists of supervising all employees in the Division of Natural Resources and the Shade Tree Unit for the City of Trenton's 63 parks and athletic fields. In addition, the appellant states that he performed park maintenance, building renovations and improvement functions, including but not limited to masonry work, electrical, mechanical, carpentry, plumbing and pool maintenance, and was responsible for the supervision of contractors performing any of the aforementioned duties. Thus, the appellant maintains that he is eligible for the subject examination.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 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. However, *N.J.A.C.* 4A:1-1.2(c) states that the 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.

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<sup>1</sup> In a determination, dated July 14, 2016, Agency Services concluded that Truck Driver was not an appropriate classification for the appellant's position. The review revealed that the preponderance of the duties performed by the appellant was commensurate with the title of Maintenance 2, Grounds. However, the appellant did not agree with the outcome of his position classification review. Therefore, he submitted a letter, dated April 18, 2017, to the City of Trenton, requesting to remain in the title of Truck Driver.

In the instant matter, Agency Services correctly determined that the appellant was not eligible for the subject examination based on the review of his application, which only listed his provisional experience. As such, it found that the appellant lacked four years and five months of applicable experience as of the September 21, 2021 closing date. However, a review of agency records indicates that the appellant served in various capacities with the City of Trenton prior to his provisional appointment. He lists applicable work experience gained from these positions on appeal. The appellant also continues to serve provisionally in the subject title. Further, as previously noted, the eligible list is incomplete, and any future certifications would be incomplete as well.

Thus, under these circumstances, the Commission finds that good cause exists pursuant *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) to accept the appellant's prior work experience on appeal. This experience provides him with a sufficient amount of applicable work experience. Therefore, the appellant has demonstrated that he is eligible and should be admitted to the subject examination. The Commission notes that to allow the appellant to be admitted to the subject examination would increase the candidate pool to three, which is considered a complete list. *See N.J.A.C.* 4A:4-4.2(c) (An appointing authority shall be entitled to a complete certification for consideration in making a permanent appointment, which means that from promotional and open competitive lists, the names of three interested eligibles for the first permanent appointment). In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

Finally, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter and does not provide precedent in any other matter. Moreover, the appellant is cautioned that, for future announcements, he should ensure that applications are fully and completely filled out, with past and present work experience, as failure to do so will be cause for rejection from the selection process.

### **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 29<sup>TH</sup> DAY OF JUNE 2022

*Deirdre L. Webster Cobb*

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