



**STATE OF NEW JERSEY**

John Ahlum, Painter (C0741S), Cape May County

CSC Docket No. 2015-2002

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

**Examination Appeal**

**ISSUED: APR 2 2015 (EG)**

John Ahlum appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Painter (C0741S), Cape May County.

The open competitive examination was announced with specific requirements which had to be met as of the announced closing date of October 3, 2014. The required experience was three years of experience in work involving the painting and repainting of the interior and exterior of buildings and structures. It is noted that the subject eligible list promulgated on January 1, 2015 with two eligibles on the list. The list was certified once on January 8, 2015 and has not yet been disposed of.

A review of official records, in conjunction with the appellant's application, indicates that he has served provisionally in the subject title from June 30, 2014 through the present, as a Maintenance Worker from December 2011 to September 2014 and as a Work Crew member from January 2010 to June 2011. No other positions were listed. In reviewing the appellant's application, the Division of Selection Services determined that his one year and six months of experience as a Work Crew member was applicable for the subject examination. However, as the appellant failed to list his provisional experience on his application, that experience was not considered.<sup>1</sup> Additionally, the appellant's position as a Maintenance

<sup>1</sup> It is noted that, even if that experience had been listed on his application, the appellant would not have satisfied the experience requirements based on the positions he listed.

Worker was not considered applicable. Thus, the appellant was found to be lacking one year and six months of experience.

On appeal, the appellant contends that he started his career as a pool painter when he was 13 years old. He indicates that almost every job he has held since then has involved painting. Further, the appellant states that he has had many side jobs painting, glazing and caulking. Finally, he asserts that he has spent a minimum of 15 years painting homes, businesses and even murals.

### 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. Additionally, *N.J.A.C.* 4A:4-2.1(f) states that an applicant may amend an application prior to the announced closing date. *N.J.A.C.* 4A:4-6.3(b) provides that appellants have the burden of proof in examination and selection disqualification appeals. Further, *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

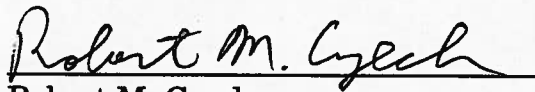
Initially, the Division of Selection Services correctly determined that the appellant did not demonstrate three years of relevant experience on his original application due to his failure to properly indicate his applicable experience on the application. On appeal, the appellant has argued that he possesses over 15 years of applicable experience, almost all of which was omitted from his original application. This would provide the appellant with sufficient applicable experience for the subject examination. Such a significant addition to the application after the closing date is considered amended information, which is not permitted under *N.J.A.C.* 4A:4-2.1(f). However, when considering his prior experience, the appellant now possesses the required experience for the examination in question. Accordingly, since the subject eligible list is incomplete pursuant to *N.J.A.C.* 4A:4-4.2(c)2, and admitting the appellant to the examination would enable the appointing authority to effect a permanent appointment, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) and *N.J.A.C.* 4A:4-2.1(f), and accept the appellant's amended information on appeal, for eligibility purposes only, and admit him to the subject examination. Moreover, since the outstanding certification is incomplete, it is appropriate to add the appellant's name to that certification. Finally, the appellant is cautioned that, in the future, he must fully complete any examination application.

**ORDER**

Therefore, it is ordered that this appeal be granted, John Ahlum's application be processed and his name be added to the January 8, 2015 certification of the eligible list.

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 1ST DAY OF APRIL, 2015**



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