

noted above. Agency Services credited the appellant with three years and six months of applicable experience for his education. Additionally, the appellant listed that he served provisionally in the subject title from February 2017 to the December 21, 2017 closing date of the examination, and as an Occupational Therapy Assistant from July 2005 to February 2017. Agency Services did not credit the appellant with any applicable experience. Accordingly, Agency Services determined that the appellant was ineligible for the subject examination.

On appeal, the appellant provides clarifying information and argues that he possesses sufficient experience to qualify for the examination. In support, the appellant provides a letter from Alex Schantz, a Personnel Aide 1, who confirms that that the appellant is serving provisionally in the subject title.

It is noted that the appellant continues to serve as a provisional Rehabilitation Counselor, Mental Health.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation. Initially, it is noted that Agency Services correctly credited the appellant with three years and six months of applicable experience based on his education. However, a review of the record indicates that the appellant continues to serve provisionally in the subject title. Moreover, the appellant has sufficiently clarified his previous provisional experience which, when combined with his provisional experience gained after the closing date, provides enough applicable experience for eligibility. Additionally, the situation is not competitive as there are only two eligible candidates on the list. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's experience gained after the closing date, for eligibility purposes only, and to admit him to the examination.

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 20th DAY OF JUNE, 2018



Deidre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Robert Jack
Alfred Filippini
Kelly Glenn