

On appeal, the appellant states he has operated all of the heavy equipment utilized by the appointing authority. In support, Fort Lee states that Yocovelli has the knowledge, skills and abilities to do the duties of the title under test. It states that Yocovelli regularly receives differential pay for out of title work handling complex and demanding assignments as a Heavy Equipment Operator. It indicates that he worked from January 2017 to December 2018 operating machinery and maintaining 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 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, Agency Services correctly found that the appellant was ineligible for the subject examination. The appellant did not properly complete his application and list each position separately with separate duties. Nonetheless, the appointing authority indicates that the appellant has performed the required duties for at least two years. The list will be incomplete after the certification is returned, and the appellant continues to serve provisionally in the title under test. Based on the circumstances presented, good cause has been established to accept the totality of the appellant's experience and relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's provisional experience and out-of-title work and admit him to the examination for prospective appointment only. The appellant is cautioned to properly complete all future applications.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed for prospective appointment 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 23rd DAY OF OCTOBER, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Jason Yocovelli
Alfred Restaino
Kelly Glenn
Records Center