



STATE OF NEW JERSEY

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

In the Matter of Rodney Brown, Head
Barber (PS7278H), Ancora
Psychiatric Hospital

Examination Appeal

CSC Docket No. 2019-678

ISSUED: FEBRUARY 25, 2019 (ABR)

Rodney Brown appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Head Barber (PS7278H), Ancora Psychiatric Hospital.

The subject examination was announced with a closing date of April 23, 2018 and was open to applicants who possessed one year of experience as a Barber and a valid license as a Cosmetologist-Hairstylist from the New Jersey State Board of Cosmetology and Hairstyling. The subject eligible list, containing one name, promulgated on September 6, 2018 and expires on September 5, 2021. No certifications have been issued from the subject eligible list.

On his application, the appellant indicated that he possessed the required license and served as a provisional Head Barber from October 2017 to the closing date of the subject examination (April 2018). Agency Services credited the appellant with seven months of applicable experience based upon this experience. However, because the appellant did not indicate that he possessed an additional five months of applicable experience, he was deemed ineligible for the subject examination.

On appeal, the appellant submits that he has been working as a Barber since 1994, with experience that includes, in relevant part, serving at Ancora Psychiatric Hospital as a Barber from April 2016 to October 2017 and as a provisional Head Barber from October 2017 to the present and he submits various supporting

documentation, including a resume and a Performance Assessment Review for the period between March 1, 2016 and February 28, 2017.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

Initially, it is noted that Agency Services correctly credited the appellant with seven months of experience based upon the experience he listed in his application. However, a review of the record shows that the appellant continues to serve provisionally in the subject title, thereby providing him with the additional five months of experience required for the subject examination. Additionally, the record indicates that the examination situation is not competitive, as the subject eligible list contains only the name of a single eligible. In this regard, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject 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 FEBRUARY, 2019



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