



STATE OF NEW JERSEY

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

In the Matter of Rasheed Nelson,
Electrician (M0472W), City of Newark

CSC Docket No. 2019-1240

Examination Appeal

ISSUED: FEBRUARY 22, 2019 (RAM)

Rasheed Nelson appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the open-competitive examination for Electrician (M0472W), City of Newark.

By way of background, the announcement for the subject examination was issued on April 1, 2018 and was open to residents of the City of Newark, who possessed three years of experience in work involving the installation, inspection, repair, servicing and maintenance of electrical equipment, machinery, and circuits as of the April 23, 2018 closing date. It is noted that the resulting eligible list promulgated with one eligible on October 4, 2018 and expires on October 3, 2021. An incomplete certification was issued on October 9, 2018 and no appointment was made.

On his application, the appellant indicated that he was serving provisionally in the subject title from September 2017¹ to the April 2018 closing date, was employed as an electrician from January 2017 to September 2017 with Sonny Electric, worked as an electrician from June 2016 to January 2017 with the City of Newark, and worked part-time (eight hours per week) as an electrician from May 2015 to May 2016 with FCI Fort Dix. Agency Services credited the appellant for having 26 months of total experience as of the closing date, determining that he lacked 10 months of required experience.

¹ Agency records indicate that the appellant was appointed provisionally pending open-competitive examination procedures effective September 11, 2017.

On appeal to the Civil Service Commission (Commission), the appellant explains how he is performing the required duties while provisionally serving in the subject title for the past 13 months. He also reiterates his prior work experience.

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:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because he did not meet the experience requirement as of the April 23, 2018 closing date since he lacked 10 months of full-time experience. The appellant was provisionally appointed to the title under test effective September 11, 2017 and continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, he has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the eligible list is incomplete. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, and Rasheed Nelson'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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