

that she was going to be provisionally appointed to the subject title starting December 21, 2019. Thereafter, on January 27, 2020, human resources notified her about the subject announcement, and she applied. However, she learned that she was determined ineligible for the subject examination because she lacked 10 days of permanent services as an ES1 by the closing date. She highlights that she only lacks 2.74 percent of the required permanent service time. The appellant argues that this does not reflect her ability to perform the duties of the subject title. The appellant presents that there are currently 15 vacancies and only 14 employees serving provisionally in the subject title. Therefore, she asserts that if her appeal is granted, she would not be taking away the position for any other candidate. The appellant submits a letter from the Assistant Commissioner, Watershed & Land Management that indicates that it was the Division's intention that the subject examination be announced so that the appellant would have met the permanent service requirement and it was an oversight on its part that she lacked 10 days prior to the subject examination closing date. The Assistant Commissioner also confirms that if the appellant's appeal is granted, she would not be preventing any other candidate from being promoted.¹

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

The subject examination was only open to employees who had one year of continuous permanent service in the title of ES1 as of the February 21, 2020 closing date. As of the announced closing date, the appellant lacked the required permanent service by 10 days. Therefore, Agency Services correctly determined that she was not permanent in a title to which the examination was open as of the closing date.

Although the appellant lacked the required permanent service as an ES1 by the announced closing date, the Assistant Commissioner confirms that it was the Division's oversight that the subject examination was announced with a closing date prior to her obtaining the required permanent service as an ES1. Further, personnel records confirm that there are 15 employees provisionally serving in the subject title and there are only 14 eligibles who were admitted to the examination. As such, admitting the appellant to the subject examination would not interfere with any other candidate's opportunity to be permanently appointed in the subject title. Therefore, while the appellant does not have one year of permanent service as an ES1 as of the closing date, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and admit her to the subject examination.

¹ Personnel records confirm that there are currently 15 employees in the unit scope to which the subject examination is open who are provisionally serving in the subject title.

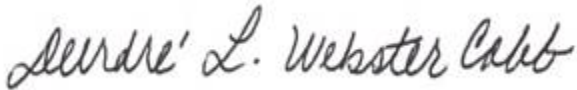
This decision is limited to the facts of this particular situation and shall not be used as precedent in any future matter.

ORDER

Therefore, it is ordered that this appeal be granted and Taryn Pittfield'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 DAY 16th OF SEPTEMBER, 2020



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