

duties was grounds keeping, with no indications in the operation and maintenance of construction and maintenance equipment. Thus, other experiences listed on their applications were deemed not applicable. It was noted that any operation and maintenance of equipment was out-of-title work for a Maintenance Worker Grounds 1 and 2, positions in which the appellants previously served.

On appeal to the Civil Service Commission (Commission), Mr. Koc challenges Agency Services' evaluation of his three years of work experience from September 8, 2016 to August 20, 2019, as a Maintenance Worker 2, Grounds with Ocean County. He maintains that this experience is applicable work. Thus, he requests admittance to the subject examination.

In his appeal to the Commission, Mr. Pitta also challenges Agency Services' evaluation of his work experiences since 2015 with Ocean County. Specifically, he maintains that his experience as a Maintenance Worker 2, Grounds from July 6, 2017 to August 21, 2019 is applicable. Thus, he requests admittance to the subject examination.

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. However, *N.J.A.C.* 4A:1-1.2(c) states that the 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 determined that the appellants were ineligible for the subject examination as they did not meet the experience requirement as of the November 21, 2019 closing date since it found that they both lacked eight months of full-time experience. However, a review of agency records indicates that the appellants were appointed provisionally to the Equipment Operator title, effective August 22, 2019, and they continue to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, the appellants have been performing the duties of the title since that date. Therefore, the appellants now possess enough applicable experience based on their service. Under these circumstances, the Commission finds that good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a). Thus, absent accepting the appellants' provisional experiences after the closing date, no other eligible candidate can be appointed as the subject eligibility list is now exhausted. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

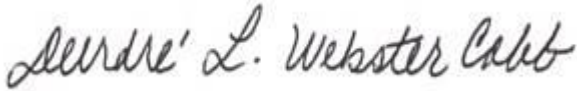
Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications be processed, for prospective employment opportunities only.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF SEPTEMBER 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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