



STATE OF NEW JERSEY

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

In the Matter of Rudy Soma, Sewer
Repairer 2/Water Repairer 3
(PM2196B), Freehold Township

Examination Appeal

CSC Docket No. 2021-1186

ISSUED: APRIL 12, 2021 (SLK)

Rudy Soma appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Sewer Repairer 2/Water Repairer 3 (PM2196B), Freehold Township.

The subject examination's closing date was February 21, 2020. The experience requirements were two years of experience in sewer installation or repair work and/or in varied plumbing work and/or in the operation and maintenance of sewer maintenance equipment and three years of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work. The appellant was the only applicant and the examination was cancelled due to a lack of qualified applicants.

On his application, the appellant indicated that he was a Laborer 1 from March 2011 to March 2012. Personnel records indicate that the was provisionally serving in the subject title from July 2019 to the February 21, 2020 closing date, a Sewer Repairer 2/Water Repairer 2 from January 2017 to July 2019, a Sewer Repairer 2/Water Repairer 2 from March 2013 to January 2017, a Laborer 1 from March 2012 to March 2013, and a Building Maintenance Worker from January 2010 to March

2012. Agency Services credited the appellant with one year and one month of experience based on his Laborer 1 experience but determined that he lacked three years and 11 months of experience.

On appeal, the appellant describes in detail how he performed the required duties since March 2012 while serving in various Sewer Repairer/Water Repairer titles in addition to his Laborer 1 experience.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible as he only listed his experience as a Laborer 1 and did not list his experience while serving in various Sewer Repairer /Water Repairer titles. However, on appeal, the appellant amended his application to indicate that he also performed the required duties in various Sewer Repairer /Water Repairer titles, which provides him the required experience.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, the eligible list was cancelled due to a lack of qualified candidates. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). In this regard, the Commission finds that the appellant has demonstrated that he has the required experience for the subject title by the closing date, which, based on the circumstances presented, warrants his admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellant.

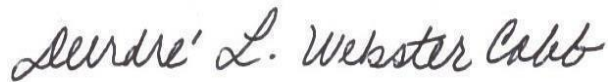
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, 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 7TH DAY OF APRIL, 2021



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