



STATE OF NEW JERSEY

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

In the Matter of Steven Vila, Signal
Systems Technician 1 (M0901V),
Elizabeth

Examination Appeal

CSC Docket No. 2018-3331

ISSUED: October 3, 2018 (RE)

Steven Vila appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the minimum requirements in experience for the open-competitive examination for Signal Systems Technician 1 (M0901V), Elizabeth.

The subject examination had a closing date of December 5, 2017 and was open to residents of Elizabeth who had completed a vocational, technical or specialized training program in electrical or electronic technology, and possessed one year of experience in work involving the installation, maintenance and repair of electrical or electronic components, equipment or systems. Applicants who did not possess the required education could substitute one year of additional experience. The appellant was found to be ineligible based on a lack of experience. One candidate appeared on the eligible list, which has been certified once, but no appointments were made as the list was incomplete and a provisional was serving.

The appellant listed one position on his application, "Summer Help" with Elizabeth from June 2016 to June 2017, part-time, 25 hours per week. It is noted that this position does not appear in the official record. However, a review of agency records indicates that the appellant was provisionally serving in the title under test from July 2017 to the closing date and he was a Clerk 1 from June 2016 to July 2017. The appellant did not indicate completion of the required technical or specialized training. Based on this information, he was credited with ten months of pro-rated full-time experience and would need an additional one year and two months of relevant experience to qualify for the subject examination.

On appeal, the appellant states that he received a provisional appointment to the subject title in July 2017 and that he had been working on an hourly basis since September 2016. He also states that he held a position as a Clerk 1, but worked out-of-title as a Signal Systems Technician. The appellant also adds information about a prior position, Apprentice Electrician from July 2015 to December 2015, that was not on his application.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service 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, the appellant was correctly found ineligible for the subject examination. The appellant properly received 10 months of pro-rated experience based on this information he listed on his application and could not receive credit for experience not provided with his application. On appeal, the appellant indicates that he has an additional five months of relevant experience based on his service as an Apprentice Electrician. *N.J.A.C.* 4A:4-2.1(f) specifically states that applications may only be amended prior to the closing date. However, the subject list is incomplete and the appellant continues to serve provisionally in the title under test. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's amended application and his additional experience beyond the closing date and admit him to the examination for prospective appointment consideration.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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 3rd DAY OF OCTOBER, 2018



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