



STATE OF NEW JERSEY

In the Matter of Brian Wells, Tree
Maintenance Worker 3 (PC4463C),
Atlantic County

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

CSC Docket No. 2022-1009

Examination Appeal

**ISSUED: FEBRUARY 18, 2022
(SLK)**

Brian Wells appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Tree Maintenance Worker 3 (PC4463C), Atlantic County.

The subject examination’s closing date was September 21, 2021. The experience requirements were two years of experience in the care and maintenance of trees and shrubs, which shall have included the use and/or operation of manual or mechanical equipment used to climb trees. A total of two employees applied for the subject examination and one was found eligible. Certification PL211311 was issued containing the name of the one eligible, with no appointment made. The list expires on October 27, 2024.

On the appellant’s application, he indicated that he was provisionally serving in the subject title from February 2020 to the September 21, 2021, closing date and a Senior Traffic Maintenance Worker from November 2009 to August 2017. Personnel records indicate that he was provisionally serving in the subject title from March 2020 to the September 21, 2021, closing date, a Senior Traffic Maintenance Worker from June 2017 to March 2020, a Traffic Maintenance Worker from January 2010 to June 2017, a Tree Maintenance Worker 1 from November 2009 to January 2010, a Traffic Maintenance Worker from September 2009 to November 2009, and a Tree Maintenance Worker 1 from April 2007 to September 2009. Agency Services credited

the appellant for having one year and eight months¹ of experience based on his provisional service in the subject title, but determined that he lacked four months of experience.

On appeal, the appellant presents that he worked as a Tree Maintenance Worker 1 from 2007 to 2009 and describes in detail how he performed the required duties in this title. Additionally, the appellant explains how certain skills that he learned in the Navy also helped him perform the required duties and duties beyond what was required including stump grinding, chipping, using dump trucks and loaders to haul away trees and to pull on trees with the line. Moreover, he presents that he performed maintenance on tree trimming equipment. Further, he indicates that as a Traffic Maintenance Worker, he was continually called in to perform the required duties as needed.

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 did not present his entire work history on his application as he only indicated his provisional service in the subject title and his Traffic Maintenance Worker experience. However, the appellant describes on appeal how he has performed the required duties for more than the required time while serving as a Tree Maintenance Worker 1. 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 list is incomplete as there is only one name on the eligible list and the appellant continues to provisionally serve in the subject title. 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). Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c)

¹ Based on personnel records, the appellant should have been credited with one year and seven months of experience as he did not start provisionally serving in the subject title until March 2020, and not February 2020, as indicated on the appellant's application.

to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) to accept his Tree Maintenance Worker 1 experience, for eligibility purposes only, and admit him to the subject examination.

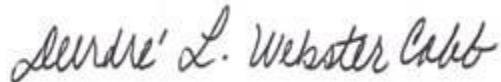
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any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

ORDER

Therefore, it is ordered that the appeal be granted, 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 16TH DAY OF FEBRUARY, 2022



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