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STATE OF NEW JERSEY

In the Matter of Loretta Little, Secretarial Assistant 2, Non-Stenographic (PS6118K), Department of Human Services

CSC Docket No. 2014-3007

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED:

AUG 0 1 2014

(DASV)

Loretta Little appeals the determination that she did not submit an application for the Secretarial Assistant 2, Non-Stenographic (PS6118K), Department of Human Services, examination.

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By way of background, the subject examination was announced with a closing date of December 21, 2013 and open to employees who possessed an aggregate of one year of continuous permanent service and were currently serving as a Secretarial Assistant 3, Non-Stenographic. The examination announcement also indicated that a qualifying typing test may be administered during the interview process. Nine applicants filed for the examination, but only four applicants were found eligible. The resulting eligible list promulgated on May 8, 2014 with four names and expires on May 7, 2017. There has not been a certification of the eligible list.

On appeal, the appellant indicates that she did in fact file an on-line application with this agency and paid the \$25 application fee, as her "credit card was swiped" for the amount. She presents a copy of a payment receipt as evidence of her application. It is noted that this receipt is not dated nor does it confirm that the fee was for the subject examination. The appellant states that she has been working for the Department of Human Services for 25 years¹ and would not let such

¹ The appellant's personnel records indicate that she commenced employment with the Department of Human Services on March 25, 1989 and has been serving as a Secretarial Assistant 3, Non-Stenographic since July 9, 2005. The appellant is also serving in the announced unit scope.

a promotional opportunity pass. She reiterates that her application was completed and payment was processed in full. The appellant also submits her resume, college transcripts and certificates.

Agency records contain no record of the appellant applying for the subject examination. In this regard, agency records indicate that the appellant applied and paid the fee for the Secretarial Assistant 1, Non-Stenographic (S0363S) examination, which had a closing date of May 20, 2014.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) states that unless otherwise provided for by the Chairperson of the Civil Service Commission (Commission) or designee, applications for open competitive and promotional examinations shall be submitted to the Commission no later than 11:59 p.m. on the announced application filing date. When an application is mailed, the application's postmark date shall be considered the date on which the application is submitted. Moreover, N.J.A.C. 4A:4-2.17(a) provides in relevant part that unless the fee is exempted, a \$25.00 processing fee shall be charged for each open competitive and promotional examination application. Further, for online applications, the fee may be paid by using a credit card or e-check, or by sending a check or money order, made payable to the Commission. See N.J.A.C. 4A:4-2.17(b). Further, N.J.A.C. 4A:4-2.17(b) states in relevant part that applications received without a fee shall not be processed unless the applicant submits, within the time required by written notice from the Lastly, N.J.A.C. 4A:1-1.2(c) states that the Commission, the required fee. Commission may relax a rule for good cause in order to effectuate the purpose of Title 11A. New Jersey Statutes.

In the instant matter, the appellant maintains that she filed an on-line application for the subject examination. However, agency records do not support this assertion as there is no record of her application. Furthermore, although the appellant contends that the \$25 fee was processed, the only fee on file is for the Secretarial Assistant 1, Non-Stenographic (S0363S) examination. Nevertheless, it is clear that the appellant intended to submit her application, but because of an apparent error, the application was not actually submitted nor the fee received. It would not be equitable to deny a long-term employee, who appears to be eligible for the subject examination and is serving in the announced unit scope, a promotional opportunity under these circumstances. Moreover, 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). Under these circumstances, good cause exists to relax the above-noted regulatory provisions and allow the appellant to proceed with the examination process. Accordingly, the appellant is directed to submit \$25 by check or money order payable to the Commission to P.O. Box 322 within 10 days of issuance of this decision and note that the fee is for the Secretarial Assistant 2, Non-Stenographic (PS6118K), Department of Human Services, examination. Further, since the appellant already submitted an on-line application within the subject examination's title series, the Division of Selection Services is ordered to utilize the appellant's application for the Secretarial Assistant 1, Non-Stenographic (S0363S) examination, to determine her eligibility in this matter, upon receipt of her \$25 application processing fee.

ORDER

Therefore, it is ordered that this appeal be granted and Loretta Little's application be processed, in accordance with this decision, for prospective appointment 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 30TH DAY OF JULY, 2014

Robert M. Czech

Chairperson

Civil Service Commission

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