

CONCLUSION

N.J.A.C. 4A:4-2.1(f) provides that examination applications may only be amended prior to the filing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, the unit scope listed in the announcement for the subject examination was listed as Greystone Park Psychiatric Hospital. However, since the appellant did not list Morris County as her preferred work location on the application, her name was not certified on the January 19, 2018 (PS180073) certification. On appeal, the appellant argues that she erroneously indicated Essex and Union Counties as her preferred work locations. The appellant is essentially amending her original application on appeal by stating that Morris County was her intended work location. *See N.J.A.C.* 4A:4-2.1(f). Generally, applications cannot be amended after the closing date of the announcement. Nonetheless, the appellant's error resulted in a situation where, although she was found eligible for the examination, her name will never be certified from the subject eligible list. Based on the totality of the circumstances in this matter, since the appellant maintains that she intended to list Morris County as her preferred work location, and since the unit scope was limited to Greystone Park Psychiatric Hospital, in Morris County, the Commission finds sufficient reason to relax the provisions of *N.J.A.C.* 4A:1-1.2(c) in order to correct the appellant's error and include Morris County as a preferred work location.

Generally, a candidate's name cannot be added to an outstanding certification except in the case of an administrative error. In this matter, the appellant admits that she only listed Union and Essex Counties as preferred work locations. As such, there is no evidence that an administrative error occurred. Additionally, the appellant's name cannot be added to the current PS180073 certification as it contains the names of 29 candidates and is considered complete. Moreover, it would be unfair to the other candidates who properly filled out the application to add the appellant's name to the current certification. Nonetheless, based upon the unique circumstances presented, the appellant's name should be certified at the time of the next certification. Given that the appellant and 12 other candidates are tied as the first ranked eligibles, adding the appellant's name to the next certification will not have an adverse effect on any other candidate, and will give the appointing authority the opportunity to consider the appellant for an appointment to the subject title at that time. This remedy is limited to the facts of this situation and may not be used as precedent for any other proceeding.

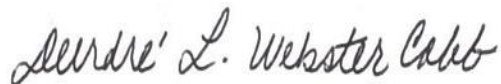
One additional matter warrants comment. The appellant is cautioned to ensure that she correctly completes any future applications by listing the correct work preference location by the closing date listed in the announcement.

ORDER

Therefore, it is ordered that this appeal be granted in part, and the appellant's name be added at the time of the next certification 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 4th DAY OF APRIL, 2018



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