

STATE OF NEW JERSEY

In the Matter of Juliet Ajayi, Supervisor of Nursing Services (PS3299K), Greystone Park Psychiatric Hospital

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CSC Docket No. 2018-2319

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: APRIL 6, 2018 (JET)

Juliet Ajayi requests that her name be certified on the promotional list for Supervisor of Nursing Services (PS3299K), Greystone Park Psychiatric Hospital.

As background, the appellant applied for the promotional examination for Supervising of Nursing Services (PS3299K), Greystone Park Psychiatric Hospital (Greystone), and was tied as the first ranked eligible on the resultant list with 12 other eligibles. It is noted that 29 eligibles appear on the subject eligible list which promulgated on January 18, 2018 and expires on January 17, 2021. It is noted that the unit scope listed in the subject announcement is Greystone Park Psychiatric Hospital in Morris County. On the application that the appellant submitted for the PS3299K examination, the appellant indicated that Union and Essex Counties were the preferred work locations where she would accept employment. Since the appellant did not indicate that Morris County was her preferred work location, the Division of Agency Services (Agency Services) did not certify the appellant's name on the resultant January 19, 2018 (PS180073) certification which contained 29 names. It is noted that the certification has not yet been returned for disposition.

On appeal, the appellant asserts, among other things, that she erroneously indicated Union and Essex counties on the application as her preferred work locations, as she believed it referred to where she would be willing to take the examination. In this regard, she notes that she lives in Union County. The appellant now requests that her name be added to the PS180073 certification so she may be considered for a current appointment.

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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Chairperson

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