



	:	STATE OF NEW JERSEY
In the Matter of C.M.,	:	
Human Services Specialist 4	:	FINAL ADMINISTRATIVE ACTION
(PC2821W), Camden County Board of	:	OF THE
Social Services	:	CIVIL SERVICE COMMISSION
	:	
	:	
CSC Docket No. 2019-1625	:	Examination Appeal
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ISSUED: JUNE 14, 2019 (RAM)

C.M. requests to be permitted to submit a late application for the Human Services Specialist 4 (PC2821W), Camden County Board of Social Services, examination.

By way of background, the announcement for the subject examination was issued on November 1, 2018 and was open to employees in the competitive division who were currently serving as a Human Services Specialist 3 or Human Services Specialist 3, Bilingual in Spanish and English, and possessed an aggregate of one year of continuous permanent service as of the November 21, 2018, closing date. It is noted that 44 applicants have been admitted to the examination, which was administered on May 14, 2019.

On appeal to the Civil Service Commission (Commission), the appellant, a Human Services Specialist 3,¹ states that she suffers from a medical condition that sometimes leaves her “empty minded” and quite forgetful especially when she is stressed and overwhelmed at work. She also suffers from anxiety. Moreover, the appellant states that anxiety and memory loss are listed as possible side effects of her current medication (Bupropion HCL XL). She further explains that her illness left her “incapacitated” which “deprived” her from applying for the examination prior to the November 21, 2018 closing date. The appellant further indicates that, due to her illness, she is currently authorized for an intermittent leave of absence

¹ Agency records indicate that the appellant was ranked ninth on a previous Human Services Specialist 4 (PC1173T) eligible list that expired on December 30, 2017.

under the Federal Medical Leave Act (FMLA) beginning September 5, 2018 and ending September 5, 2019, where she may be out of work three times a month (two to three days per episode). In addition, the appellant states she works outside of the office three days a week to attend hearings and does not have access to a computer while in the courtroom. The appellant also alleges that the announcement for the examination was not conspicuously posted at all geographic locations to which the examination was open. In support of her appeal, the appellant provides a letter from Human Resources indicating her FMLA leave was approved from September 2018 to September 2019, details of her medication indicating its side effects, and copies of memoranda dated October 1, 2018, pertaining to hearing cases assigned to her from November 1, 2018 to November 19, 2018 at the Haddonfield Municipal Building and the Borough of Oaklyn.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides that unless otherwise provided for by the Chairperson of the Commission or designee, applications for promotional examinations shall be submitted to the Commission no later than 4:00 p.m. on the announced application filing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant did not submit an application by the closing date for the subject examination. The Commission generally denies requests to accept late examination applications, as *N.J.A.C.* 4A:4-2.1(e) requires applicants to file their applications by the closing date. However, under the circumstances presented, the Commission finds that there is good cause to relax *N.J.A.C.* 4A:4-2.1(e) and allow the appellant to submit a late application for the subject examination.

The Commission emphasizes 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).

Finally, the Commission notes that the appellant's remedy is based on the circumstances of this matter, and for future examination announcements, she must timely file an application. As this remedy is limited to the unique circumstances of this matter, it does not provide a precedent in any other matter.

ORDER

Therefore, it is ordered that this petition be granted, and C.M. be permitted to submit an application for the Human Services Specialist 4 (PC2821W), Camden County Board of Social Services, examination. It is further ordered that C.M. submit a promotional application and the \$25.00 application processing fee to the Division of Agency Services. The application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that her application be processed. Finally, if C.M.'s application and the required payment are not postmarked on or before the 15th day after the issuance date of this decision, she will not be entitled to have an application for the subject examination 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 12th DAY of JUNE, 2019



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c: C.M. (with blank application enclosure)
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