



STATE OF NEW JERSEY

 FINAL ADMINISTRATIVE ACTION
 OF THE
 CIVIL SERVICE COMMISSION

In the Matter of Chizoba Onubogu,
 Supervising Family Service Specialist
 2 (PS4837K), Department of Children
 & Families

Examination Appeal

CSC Docket No. 2019-1380

ISSUED: DECEMBER 21, 2018 (RAM)

Chizoba Onubogu, a Family Service Specialist 1, requests to be permitted to submit an application for the promotional examination for Supervising Family Service Specialist 2 (PS4837K), Department of Children and Families, after the filing deadline.

By way of background, the announcement for the subject examination was issued on October 1, 2018 and was open to employees, in pertinent part, who possessed one year of continuous permanent service in the titles of Family Service Specialist 1 and Family Service Specialist 1, Bilingual in Spanish and English as of the October 22, 2018 closing date. It is noted that 952 applications have been received. The eligible list has not yet promulgated.

On appeal to the Civil Service Commission (Commission), the appellant states that due to the overwhelming circumstances involving her husband's critical medical illness, his hospitalization from October 2, 2018 until his passing on October 20, 2018, making the final funeral arrangements and receiving visitors expressing condolences on October 22, 2018, she was distracted and was unable to finish completion of her application by the closing date. It is noted that agency records reveal that the appellant started an application at 12:24 p.m. on October 22, 2018, but only completed up to Part 4 by 12:53 p.m.

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 was not admitted to the subject examination because she did not submit an application by the closing date. However, as the appellant is a Family Service Specialist 1, it appears that she would be eligible for the examination. 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).

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 these limited circumstances, 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.

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

ORDER

Therefore, it is ordered that this petition be granted and Chizoba Onubogu be permitted to submit an application for the Supervising Family Service Specialist 2 (PS4837K), Department of Children and Families examination. It is further ordered that Onubogu submit a promotional application and \$25.00 application processing fee to the Division of Agency Services within 20 days of the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that her application be processed for prospective appointment consideration. Finally, if Onubogu's application and the required payment are not postmarked within 20 days of 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 19TH DAY of DECEMBER, 2018



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