



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Yaw Konadu, *et al.*,
Human Services Technician
(PS6722H), Ancora Psychiatric
Hospital

Examination Appeals

CSC Docket Nos. 2018-3292, *et al.*

ISSUED: JULY 20, 2018 (SLK)

Yaw Konadu, Katina Rivera and Victoria Sawyer appeal the determinations of the Division of Agency Services (Agency Services) that they were not eligible for the promotional examination for Human Services Technician (PS6722H), Ancora Psychiatric Hospital. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the January 23, 2017 closing date. The examination was open to employees in the non-competitive division who were currently serving as a Human Services Assistant and had an aggregate of one year of continuous permanent service as of the closing date in that title. Additionally, applicants needed one year of experience in the non-professional nursing care of children and/or adults in an institution, nursing home or hospital. A total of 140 employees applied for the subject examination which resulted in 113 employees admitted to the examination. It is noted that agency records indicate that there are currently 136 employees provisionally serving in the subject title in the announced unit scope, H355. The examination has not yet been scheduled.

On their applications, Konadu and Rivera did not indicate any employment experience. Therefore, Agency Services was unable to determine their eligibility. Sawyer indicated that she was an Administrative Assistant from December 2005 to March 2008 for Cara Solution and did not indicate any other experience. Therefore, Agency Services determined that she lacked one year of the required experience.

On appeal, Konadu presents that he is currently provisionally serving in the subject title. Personnel records indicate that he was provisionally serving in the subject title from March 2017 to the January 23, 2018 closing date, a Human Services Technician Assistant from July 2009 to March 2017, and a Direct Care AFSCME from March 2008 to July 2009.

Rivera submits a letter from the Office of Human Resources which verifies that she has been a Human Services Assistant from June 20, 2010. Personnel records indicate that she was provisionally serving in the subject title from March 2017 to the January 23, 2018 closing date, a Human Services Assistant from April 2011 to March 2017 and a Direct Care AFSCME from June 2010 to April 2011.

Sawyer presents that she has been working as a Human Services Assistant in the geriatric ward for the past seven years. She indicates that she is certified as a Nurse's Aide and has an Associate's degree in Business Management. Sawyer submits a memorandum from the Office of Human Services which advised her that she may be eligible to apply to the subject examination. Personnel records indicate that she was a Human Services Assistant from April 2016 to the January 23, 2018 closing date, a Direct Care AFSCME from June 2012 to April 2016, a Human Services Assistant from March 2012 to June 2012 and a Direct Care AFSCME from January 2011 to March 2012.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants were not eligible for the subject examination as Konadu and Rivera did not indicate any experience on their applications and Sawyer did not indicate any relevant experience on her application. However, the appellants present on appeal and a review of personnel records confirm that each appellant has more than one year of continuous permanent service as a Human Services Assistant and has more than one year of experience performing the required duties. However, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes circumstances present that provide good cause to permit the appellant to amend his application in this particular matter. In particular, there are only 116 employees who were admitted to the subject examination; however, there are 136 employees provisionally serving in the subject title. Such a circumstance will likely lead to an incomplete or exhausted list. Additionally, Konadu and Rivera continue to serve provisionally in the subject title and Sawyer continues to serve in the title to which the examination is open. 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). In this regard, the Commission finds that the appellants have demonstrated that they have the required experience, which, based on the circumstances presented, warrants their admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellants.

The Commission cautions the appellants that, in the future, they should ensure that any applications are fully and completely filled out as their failure to do so will be cause for rejection from the selection process.

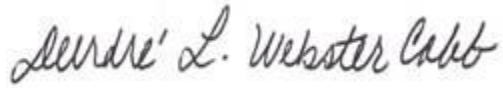
Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted, and Yaw Konadu's, Katina Rivera's and Victoria Sawyer's applications be processed 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 18th DAY OF JULY, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Yaw Konadu (2018-3292)
Katina Rivera (2018-3333)
Victoria Sawyer (2018-3234)
Alfred Filippini
Kelly Glenn