

STATE OF NEW JERSEY

**ISSUED: OCTOBER 25, 2019** (SLK)

In the Matter of Dennis Cowan and Patrick Galvin, Road Repairer 3 (PC0240A), Atlantic County	: F : : :	INAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket Nos. 2020-917 and 2020- 918	: : :	Examination Appeals

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Dennis Cowan and Patrick Galvin request to file late applications for the promotional examination for Road Repairer 3 (PC0240A), Atlantic County. These matters have been consolidated as they contain similar issues.

The examination at issue was announced with requirements that had to be met as of the February 21, 2019 closing date. A total of 10 employees applied and eight were found eligible. Certification PL191274 was issued and its disposition is due on December 9, 2019. The list expires on September 4, 2022.

On appeal, the petitioners both state that their human resources department indicated that they did not need to apply for the subject examination because their current titles, heavy equipment operator, were considered lateral to the subject title. However, now they have learned that the subject title is a promotional title. Further, it is noted that this agency contacted the appointing authority which confirmed the petitioners' statements.

## CONLCUSION

N.J.A.C. 4A:4-2.1(e) provides that applications must be filed no later than the announced filing deadline. 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.

In this matter, the petitioners both indicate that they were planning on applying for the subject examination, but did not apply because their human resources department incorrectly advised them they did not need to apply because the subject title was a lateral and not promotional title. Further, the appointing authority confirms the petitioners' statements. 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). Under these circumstances, the Commission finds that due to the appointing authority's error, the petitioners should be allowed to apply for the subject examination. Therefore, the Commission finds that there is good cause to relax N.J.A.C. 4A:4-2.1(e) and to allow the petitioners to submit their applications and application fees after the closing deadline for prospective employment opportunities only.

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

## ORDER

Therefore, it is ordered that these petitions be granted, and Dennis Cowan and Patrick Galvin be permitted to submit applications for the Road Repairer 3 (PC0240A), Atlantic County, examination. It is further ordered that Cowan and Galvin submit promotional applications and the \$25.00 application processing fee to the Division of Agency Services. The applications and processing fees must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the applications and processing fees, it is ordered that their applications be processed. Finally, if the petitioners' applications and the required payments are not postmarked on or before the 15<sup>th</sup> day after the issuance date of this decision, they 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 23<sup>rd</sup> DAY OF OCTOBER, 2019

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Deirdré L. Webster Cobb Chairperson Civil Service Commission

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