



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Vincent Murray,
Motor Vehicle Operator 1 (PS4829K),
Department of Human Services, Vineland
Developmental Center

Examination Appeal

CSC Docket No. 2019-1896

ISSUED: March 8, 2019 (RAM)

Vincent Murray, a Bus Driver, requests to be permitted to submit an application for the promotional examination for Motor Vehicle Operator 1 (PS4829K), Department of Human Services, after the filing closing date.

By way of background, the announcement for the subject examination was issued on December 1, 2018, and was open to employees in the competitive division who were currently serving as a Motor Vehicle Operator 2, to employees in the non-competitive division who were serving as a Bus Driver, Repairer or Truck Driver Single Axle, or to employees in the competitive division who had one year of continuous permanent service as of the December 21, 2018 closing date in any competitive title and possessed two years of experience in work involving the operation of trucks and/or buses. It is noted that three applications have been received. The eligible list has not yet promulgated.

On appeal to the Civil Service Commission (Commission), the appellant states that he had intended to complete his application by the December 21, 2018 closing date. However, due to circumstances of having to deal with the deaths of several loved ones within a three-week period, he was emotionally not able to submit his application by the closing date.

The appellant explains that his godmother passed away on November 20, 2018, his grandmother who raised him passed away on December 9, 2018, and a nephew was killed in a fatal car accident on December 20, 2018. He submits obituaries and what appears to be a news article regarding the accident.

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 he did not submit an application by the closing date. However, as the appellant is a Bus Driver, it appears that he 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 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 he is cautioned that, for future examination announcements, he must timely file his application.

ORDER

Therefore, it is ordered that this petition be granted, and Vincent Murray be permitted to submit an application for the Motor Vehicle Operator 1 (PS4829K), Department of Human Services, examination. It is further ordered that the appellant 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 his application be processed for prospective appointment consideration. Finally, if the appellant's application and the required payment are not postmarked within 20 days of the issuance date of this decision, he 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 6th DAY OF MARCH, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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