



In the Matter of Patricia Ingelido,  
Manager 3 Environmental  
Protection, Technical/Scientific/  
Engineering (PS9309G), Department  
of Environmental Protection

: **STATE OF NEW JERSEY**  
:  
: **FINAL ADMINISTRATIVE ACTION**  
: **OF THE**  
: **CIVIL SERVICE COMMISSION**

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: Examination Appeal  
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CSC Docket No. 2019-2820  
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**ISSUED: August 15, 2019 (RAM)**

Patricia Ingelido requests to be permitted to submit a late application for the Manager 3 Environmental Protection, Technical/Scientific/Engineering (PS9309G), Department of Environmental Protection, examination.

By way of background, the announcement for the subject examination was issued on March 1, 2019 and was open to employees currently serving in the Manager 4 Environmental Protection, Technical/Scientific/Engineering title and had an aggregate of one year of continuous permanent service as of the March 21, 2019 closing date or to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and met the open competitive requirements. It is noted that only one person filed for the examination, and thus, any eligible list issued will be incomplete.

On appeal to the Civil Service Commission (Commission), the appellant, a Manager 3 Environmental Protection, Technical/Scientific/Engineering,<sup>1</sup> states that due to personal circumstances, she missed the deadline to submit her application for the subject examination by one day. In that regard, the appellant asserts that her mother suffered a stroke in late February of 2019. Since that time, she has had to provide additional support to her mother and father. She notes that her mother must attend physical and speech therapy sessions several times a week. Moreover, the appellant indicates that prior to her illness, her mother was the primary

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<sup>1</sup> Agency records indicate that the appellant has been serving provisionally pending promotional examination procedures in the subject title since November 24, 2018.

childcare provider for the appellant's two young children. Therefore, the appellant requests permission to file for the subject examination and compete for her position.

### CONCLUSION

*N.J.A.C.* 4A:4-2.1(e) provides that unless otherwise provided for by the Chairperson of the Commission or designee, applicants for open competitive and promotional examination 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 of this case, 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 appellant is serving provisionally in the subject title and there is only one other applicant who filed for the examination. Thus, absent accepting the appellant's late application, any resultant list would be incomplete. In that regard, 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, the appellant 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 request be granted, and Patricia Ingelido be permitted to submit an application for the Manager 3 Environmental Protection, Technical/Scientific/Engineering (PS9309G) examination. It is further ordered that the appellant submit a promotional examination 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 the appellant's application and the required payment are not postmarked on or before the 15<sup>th</sup> 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 14<sup>TH</sup> DAY of AUGUST, 2019**



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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