

STATE OF NEW JERSEY

In the Matter of Avyel Leyva, Cook – 12 Months (PS0855E), New Jersey Veterans Memorial Home - Vineland	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket No. 2020-1505	: : : :	Examination Appeals

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**ISSUED: JANUARY 17, 2020** 

Avyel Leyva requests to transfer his application from the Cook - 12 Months (S1084A), Statewide open-competitive examination to the Cook - 12 Months (PS0855E), New Jersey Veterans Memorial Home - Vineland promotional examination.

The PS0855E examination at issue was announced with requirements that had to be met as of the November 21, 2019 closing date. There was one applicant, and the list has not yet promulgated. The appellant and the one applicant are both provisionally serving, pending promotional examination procedures, in the subject title.

On appeal, Levva states that he mistakenly applied to the Cook -12 Months (S1084A), Statewide open-competitive examination. He indicates that he intended to apply for the subject examination and he requests that his application from the S1084A open-competitive examination be transferred to the PS0855E promotional examination.

## 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.

(SLK)

In this matter, Levva indicates that he intended to apply to the subject promotional examination, but mistakenly applied to the S1084A open-competitive examination. Additionally, Leyva is provisionally serving, pending promotional examination procedures, in the subject title and the list for the subject promotional examination shall be incomplete as there was only one applicant. While Levva's application for S1084A cannot be transferred to subject promotional examination as each examination requires a separate application and application fee, 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 Leyva 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 allow the Leyva to submit his application and application fee after the closing deadline for PS0855E, for prospective employment opportunities only.

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

## **ORDER**

It is ordered that this request be granted in part, and Avyel Leyva be permitted to submit an application for Cook – 12 Months (PS0855E), New Jersey Veterans Memorial Home - Vineland. It is further ordered that Leyva submit the attached promotional 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 his application be processed. Finally, if Leyva'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, 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 15<sup>th</sup> DAY OF JANUARY, 2020

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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

## Attachment

c: Avyel Leyva (with blank application enclosure) John Langston Jennifer Robb Kelly Glenn Records Center