



In this matter, Leyva 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 Leyva'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.

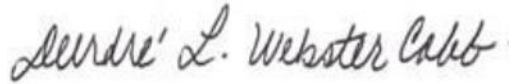
This determination is limited to the instant matter and does not provide precedent in any other matter.

### **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



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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Attachment

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