



In the Matter of Feret Fenelus,  
Clerk 2 (PM0018A), City of Elizabeth

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

CSC Docket No. 2019-2815

Examination Appeal

**ISSUED:      MAY 22, 2020 (RAM)**

Feret Fenelus requests to be permitted to submit a late application for the Clerk 2 (PM0018A), City of Elizabeth, examination.

By way of background, the announcement for the subject examination was issued on January 1, 2019 and open to employees in the non-competitive division who were currently serving in the titles of Clerk 1 or Clerk 1, Bilingual in Spanish and English, and had an aggregate of one year of continuous permanent service as of the January 22, 2019 closing date. In addition, applicants were required to possess one year of experience in clerical work. It is noted that no candidate applied for the subject examination. As a result, the examination was cancelled effective February 1, 2019.

On appeal to the Civil Service Commission (Commission), the appellant, a provisional Clerk 2,<sup>1</sup> states that he incorrectly applied for the Keyboarding Clerk 2 (PM0037A), City of Elizabeth, examination instead of the Clerk 2 (PM0018A) examination. The appellant further explains that upon contacting the Commission, he was advised to file an appeal since he was unable to correct his application after he discovered that he had applied for the wrong examination. Therefore, the appellant requests permission to file for the subject examination.

<sup>1</sup> Agency records indicate that the appellant had served provisionally pending promotional examination procedures in the subject title from June 1, 2018 to September 15, 2019. The appellant was returned to his permanent title of Clerk 1 on September 16, 2019. Furthermore, the appellant was promoted again to the Clerk 2 title and has been serving provisionally since November 1, 2019.

## 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 were no other applicants who filed for the examination. Thus, absent accepting the appellant's late application, there would not be an eligible list from which a permanent appointment can be made for his position. 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, the examination cancellation be rescinded and Feret Fenelus be permitted to submit an application for the Clerk 2 (PM0018A), City of Elizabeth, 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 his 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, 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  
20<sup>TH</sup> DAY OF MAY, 2020

*Deirdre' L. Webster Cobb*

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Deirdre L. Webster Cobb  
Chairperson  
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