

examination.² The appellant further indicates that, during the period that the announcement was open, she was in contact with the Commission's Division of Administrative Services (DAS) in order for her to provide the necessary documentation regarding her requested accommodation during the examination. Lastly, the appellant asserts that she was also in the process of moving and that she had some computer/internet issues on the day she filed for the examination.

In support of her appeal, the appellant provides a letter from her Clinical Psychologist recommending an accommodation for extra time and the use of a calculator during any examinations. The appellant also submits a Career Assistance Navigator report and an Individual Skills Profile report. Additionally, agency records reflect that the appellant was approved for an ADA accommodation in August of 2019 that allows her to take an examination in a reader format.³

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 did not submit an application by the closing date for the subject examination and incorrectly filed for the wrong 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. In that regard, in *In the Matters of Supervising Family Service Specialist 2 (PS1035K), Supervising Family Service Specialist 2 (Bilingual in Spanish and English) (PS1036K), Supervising Family Service Specialist 1 (PS1032K), Supervising Family Service Specialist 1 (PS1015K), and Family Service Specialist 1 (PS2267K), Department of Children and Families*, (CSC, decided October 19, 2016), the Commission determined that it would not permit applicants who file for an incorrect examination symbol to file a late application for the correct symbol given that there are numerous warnings provided to ensure the proper symbol is used when initially applying for the test. However, under the circumstances presented, 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. In that regard, in addition to the appellant's explanation, the subject eligible list is incomplete and she remains serving provisionally in the title.

² The appellant was found ineligible for the (PC0677A) examination as she was not serving in the announced unit scope.

³ Questions will be read to the appellant for her response. Extra time will be allotted for the examination which will be held in a separate room.

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).

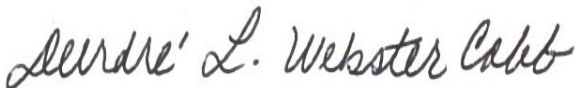
Finally, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter, and for future examination announcements, she must timely file an application. As this remedy is limited to the unique circumstances of this matter, it does not provide a precedent in any other matter.

ORDER

Therefore, it is ordered that this petition be granted, and L.I. be permitted to submit an application for the Clerk 2 (PC0675A), Middlesex County Board of Social Services examination. It is further ordered that L.I. submit a promotional application and the \$25.00 application processing fee to the Division of Agency Services within 15 days of the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that her application be processed for prospective appointment consideration. Finally, if L.I.'s application and the required payment are not postmarked within 15 days of 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 1ST DAY OF JULY, 2020



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