



In the Matter of Demond Smith
Printing Operations Technician 3,
(PM1108A), Newark

CSC Docket No. 2020-763

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 : **STATE OF NEW JERSEY**
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 : **FINAL ADMINISTRATIVE ACTION**
 : **OF THE**
 : **CIVIL SERVICE COMMISSION**
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 : Examination Appeal
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ISSUED: JULY 2, 2020 (RAM)

Demond Smith requests to be permitted to submit a late application for the Printing Operations Technician 3 (PM1108A), Newark, examination.

By way of background, the announcement for the subject examination was issued on August 1, 2019 and open to employees in the competitive division who were currently serving in the titles of Printing Operations 2 or Printing Operations 1 and had an aggregate of one year of continuous permanent service as of the August 21, 2019 closing date *or* to employees in the competitive division who had a aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the open competitive requirements listed in the announcement. It is noted that one candidate applied for the subject examination and was rejected. As a result, the examination was cancelled effective October 19, 2019.

On appeal to the Civil Service Commission (Commission), the appellant, a Printing Operations Technician 3,¹ states that he had difficulty with his computer and sought help from his agency’s IT help desk. The appellant further explains that after several days working with IT to fix his computer, he then tried to file for the

¹ Agency records indicate that the appellant has been serving provisionally pending promotional examination procedures in the subject title since May 1, 2018.

examination, but was unable to because it was past the August 21, 2019 closing date. Finally, the appellant states he realizes that he should have contacted the Commission earlier regarding his difficulty in filing for the subject examination, and upon contacting the Commission, he was advised to file an appeal because he missed the closing date by one day. Therefore, the appellant requests permission to submit a late application for the subject examination.

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 was one other applicant who filed for the examination. However, the applicant was rejected, and the examination was cancelled. 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.

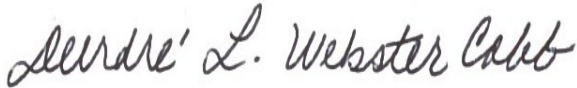
ORDER

Therefore, it is ordered that this request be granted, the examination cancellation be rescinded, and Demond Smith be permitted to submit an application

for the Printing Operations Technician 3 (PM1108A), Newark, 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 15th 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 1ST DAY OF JULY, 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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and
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c: Demond Smith (with blank application enclosed)
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