

STATE OF NEW JERSEY

In the Matter of Shakina Wyckoff, Clerk 3 (M0569B), Newark School District

CSC Docket No. 2021-668

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

:

ISSUED FEBRUARY 23, 2021 (RAM)

Shakina Wyckoff requests to be permitted to submit a late application for the open competitive examination for Clerk 3 (M0569B), Newark School District.

By way of background, the announcement for the subject examination was issued on September 1, 2020, and was open to candidates who met the residency requirement as of the September 21, 2020 closing date and possessed two years of experience in clerical work, one year of which must have been performing duties at or equivalent to the Clerk 2 level. It is noted that 462 applications received for the subject examination and the examination has not yet been scheduled.

On appeal to the Civil Service Commission (Commission), the appellant states that she mistakenly applied for the promotional examination for Clerk 3 (PM2673B), Newark School District, when she should have applied for the open competitive examination for Clerk 3 (M0569B), Newark School District. She is requesting the opportunity to submit an application for the correct examination after the September 21, 2020 closing date. It is noted that agency records indicate that the appellant was appointed provisionally pending open competitive examination procedures effective July 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, applications shall be submitted to the Commission no later than 4:00 p.m. on the announced application filing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause situations, on notice to affected parties, 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. However, agency records reflect that the appellant has been serving provisionally pending open competitive examination procedures in the subject title since July 1, 2019. 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 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.

It is noted that this remedy is limited to the unique circumstances of this matter and does not provide a precedent in any other matter. Finally, the appellant is cautioned that, for future examination announcements, she must timely file for the correct examination.

ORDER

Therefore, it is ordered that this request be granted, and Shakina Wyckoff be permitted to submit an application for the Clerk 3 (M0569B), Newark School District, examination. It is further ordered that the appellant submit an open competitive examination application and the \$25.00 application processing fee to 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 her 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, 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 17TH DAY OF FEBRUARY, 2021

Derrare' L. Webster Calib

Deirdrè L. Webster Cobb

Chairperson

Civil Service Commission

Inquiries Christopher S. Myers

and Director

Correspondence Division of Appeals and Regulatory Affairs

Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

c: Shakina Wyckoff (with blank application enclosed)
Yolanda Mendez
Division of Agency Services
Records Center