

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

Deirdre' L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
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