



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Olasumbo Oladeru,
Assistant Director of Nursing
Services (PS7948H), Trenton
Psychiatric Hospital

Examination Appeal

CSC Docket No. 2020-1094

ISSUED: DECEMBER 20, 2019 (SLK)

Olasumbo Oladeru petitions the Civil Service Commission (Commission) to allow him to change his Work Location Preference Area for Assistant Director of Nursing Services (PS7948H), Trenton Psychiatric Hospital and add his name to the current certification.

The examination at issue had an August 21, 2018 closing date. On his application, the petitioner indicated that his Work Location Preference Areas (Preference Areas) for employment were Bergen, Burlington, and Gloucester Counties. A total of 17 individuals applied for the examination. The petitioner took the examination on July 16, 2019, which resulted in a list of eight eligibles that expires on August 7, 2021. The petitioner was tied as the sixth ranked eligible. Certification PS191048 was issued containing the names of all the eligibles, except the appellant. The subject certification was issued for a position in Mercer County as the appointing authority's only location is in Mercer County.

On appeal, the petitioner presents that he has been working for the appointing authority for the past 10 years and living in Ewing, which is in Mercer County, for the past four years. He states that when he learned that his co-workers' names had been certified for a position in the subject title, he contacted this agency to inquire why his name was not certified and was informed that he did not indicate that Mercer County was one of his Preference Areas on his application. The petitioner explains that this was an oversight on his part as he always selected Mercer County on prior applications. He requests to include Mercer County as a

Preference Area and have his name added to the subject certification so that he can be considered for the current opportunity.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly did not certify the petitioner's name as he did not indicate on his application that he would accept employment in Mercer County, which is where the current opportunity is located. However, as the appointing authority is only located in Mercer County, it is presumed that the petitioner meant to indicate on his application that Mercer County was a Preference Area. Further, the Commission notes that one of the main purposes of the Civil Service system is to ensure efficient public service for State government and the petitioner has demonstrated that he merits consideration for a position in the subject title by passing the examination. 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). Therefore, on strictly equitable grounds, the Commission finds good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) to allow the petitioner's application for the subject examination to be amended to indicate that his Preference Areas shall include Mercer County. However, his request to be considered for the current employment opportunity is denied. In this regard, to allow such a remedy where there was no error by this agency would be to unfairly disadvantage the candidates on the list who initially properly filed their applications. *See In the Matter of Shilpa Gandhi* (CSC, decided April 18, 2018).

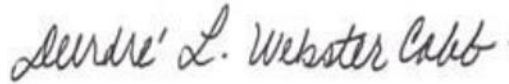
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that the petitioner's request be granted in part, and the petitioner's application be amended to indicate that his Work Location Preference Areas shall include Mercer County for prospective employment opportunities.

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 18th DAY OF DECEMBER, 2019



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