



a promotional opportunity pass. She reiterates that her application was completed and payment was processed in full. The appellant also submits her resume, college transcripts and certificates.

Agency records contain no record of the appellant applying for the subject examination. In this regard, agency records indicate that the appellant applied and paid the fee for the Secretarial Assistant 1, Non-Stenographic (S0363S) examination, which had a closing date of May 20, 2014.

### CONCLUSION

*N.J.A.C.* 4A:4-2.1(e) states that unless otherwise provided for by the Chairperson of the Civil Service Commission (Commission) or designee, applications for open competitive and promotional examinations shall be submitted to the Commission no later than 11:59 p.m. on the announced application filing date. When an application is mailed, the application's postmark date shall be considered the date on which the application is submitted. Moreover, *N.J.A.C.* 4A:4-2.17(a) provides in relevant part that unless the fee is exempted, a \$25.00 processing fee shall be charged for each open competitive and promotional examination application. Further, for online applications, the fee may be paid by using a credit card or e-check, or by sending a check or money order, made payable to the Commission. *See N.J.A.C.* 4A:4-2.17(b). Further, *N.J.A.C.* 4A:4-2.17(b) states in relevant part that applications received without a fee shall not be processed unless the applicant submits, within the time required by written notice from the Commission, the required fee. Lastly, *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 purpose of Title 11A, New Jersey Statutes.

In the instant matter, the appellant maintains that she filed an on-line application for the subject examination. However, agency records do not support this assertion as there is no record of her application. Furthermore, although the appellant contends that the \$25 fee was processed, the only fee on file is for the Secretarial Assistant 1, Non-Stenographic (S0363S) examination. Nevertheless, it is clear that the appellant intended to submit her application, but because of an apparent error, the application was not actually submitted nor the fee received. It would not be equitable to deny a long-term employee, who appears to be eligible for the subject examination and is serving in the announced unit scope, a promotional opportunity under these circumstances. Moreover, 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 these circumstances,

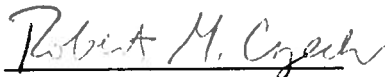
good cause exists to relax the above-noted regulatory provisions and allow the appellant to proceed with the examination process. Accordingly, the appellant is directed to submit \$25 by check or money order payable to the Commission to P.O. Box 322 within 10 days of issuance of this decision and note that the fee is for the Secretarial Assistant 2, Non-Stenographic (PS6118K), Department of Human Services, examination. Further, since the appellant already submitted an on-line application within the subject examination's title series, the Division of Selection Services is ordered to utilize the appellant's application for the Secretarial Assistant 1, Non-Stenographic (S0363S) examination, to determine her eligibility in this matter, upon receipt of her \$25 application processing fee.

### ORDER

Therefore, it is ordered that this appeal be granted and Loretta Little's application be processed, in accordance with this decision, for prospective appointment only.

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 30<sup>TH</sup> DAY OF JULY, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Loretta Little  
James Frey  
Dan Hill  
Joseph Gambino