

B-41



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Maniben Patel,
Senior Library Assistant (PM1284S),
Jersey City

Examination Appeal

CSC Docket No. 2015-1754

ISSUED: **MAY 11 2015** (WR)

Maniben Patel appeals the attached determination of the Division of Selection Services (Selection Services) that she filed a late application for the promotional examination for Senior Library Assistant (PM1284S), Jersey City.

The subject examination was announced with a closing date of September 22, 2014 and an application deadline of September 29, 2014. The promotional announcement, which was posted on September 8, 2014, instructed applicants that only online applications would be accepted. The resulting eligible list containing the names of three eligibles was promulgated on January 22, 2015 and expires on January 21, 2018. A certification was issued on January 28, 2015; however, no appointments have yet been made.

On October 3, 2014, the appellant filed her application for the subject examination. The appellant also notified Selection Services that several deaths and other family matters had caused her to be absent from work on September 8, 22 and 24, 2014; and to only be at work for a half day on September 15 and 23, 2014 and from September 25, 2014 through October 3, 2014. The appellant also submitted notices of the related funerals. In response, Selection Services returned the appellant's application and her application fee, indicating that her late application would not be accepted.

On appeal to the Civil Service Commission (Commission), the appellant contends that she was unable to timely submit her application because she had to take care of her sick mother and due to the deaths of several individuals which caused her to miss work. Specifically, the appellant states that her cousin's mother passed away on September 13, 2014; her neighbor's grandson passed away on

September 21, 2014; and her uncle passed away on September 27, 2014. The appellant claims that she assisted with funeral arrangements and "had to field many phone calls seeking support because [she] is a committee woman and community activist in the Indian community."

It is noted that agency records reveal that the appellant was appointed to the subject position provisionally pending promotional examination procedures, effective June 30, 2014.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)4 provides that applicants must file an application on or before the application deadline. *N.J.A.C. 4A:4-6.3(b)* provides that the appellant has the burden of proof in examination appeals.

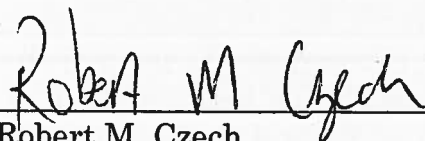
In the instant matter, the appellant contends that taking care of her sick mother and mourning the deaths of family members and a friend caused her to file her application late. However, although the Commission is sympathetic to the appellant's circumstances, according to her own account she was present in the workplace for at least eight days and several more half days prior to the application filing date. See *In the Matter of Sandra Diaz* (MSB, decided May 10, 2006) (Appellant's claim that she had to take care of her four children who had various health conditions not a sufficient basis to accept her late application). Moreover, there is no basis to relax *N.J.A.C. 4A:4-2.6(a)4* since the examination resulted in a complete list of three eligibles. Accordingly, the appellant has failed to meet her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 6th DAY OF MAY, 2015



Robert M. Czech

Chairperson

Civil Service Commission

Inquiries
and
Correspondence

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

c: Maniben Patel
Priscilla Gardner
Dan Hill
Joseph Gambino



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF SELECTION SERVICES
P.O. Box 310
Trenton, New Jersey 08625-0310
Division of Selection Services
PO Box 310
Trenton New Jersey 08625

Robert M. Czech
Chair/Chief Executive Officer

Chris Christie
Governor
Kim Guadagno
Lt. Governor

December 4, 2014

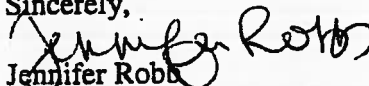
Ms. Maniben Patel
[REDACTED]

Dear Ms. Patel:

This is regarding your application for the Senior Library Assistant (PM1284S) promotional examination. This examination was announced on September 1, 2014 and the application filing deadline was September 29, 2014. You provided documentation in which you indicated you were unable to file for the examination on time due to circumstances beyond your control. While the circumstances which you have explained are unfortunate, N.J.A.C. 4A:4-2.1(e) states that applications shall be filed no later than the announced filing deadline. Unfortunately, we cannot accept a late application in this instance. Enclosed you will find the original money order you submitted (#22104489868).

If you wish to appeal the decision listed on this notice, you must submit a written appeal to the Civil Service Commission, Merit System Practices and Labor Relations, Written Record Appeals Unit, PO Box 312, Trenton, NJ 08625-0312, postmarked or delivered within 20 days of the date of this notice. Your appeal must include specific details that explain why you should be eligible and all proofs, arguments, and issues which you plan to use to substantiate your appeal. We regret that we cannot accept telephone, in-person or late appeals. **ONLY TIMELY WRITTEN APPEALS WILL BE ACCEPTED.** Please be advised that pursuant to Public Law 2010, c26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to NJCSC. Persons receiving public assistance pursuant to Public Law 1947, c.156 (C.44:8-107 et seq.), P.L. 1973, c256 (C.44:7-85 et seq.), or Public Law 1997, c38 (C.44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from this appeal fee, and those qualifying for New Jersey Civil Service Veterans Preference are exempt from this appeal fee.

Sincerely,


Jennifer Robb

Human Resource Consultant 1
Classification and Personnel Management

Enclosures (1) money order #22104489868