



	:	<b>STATE OF NEW JERSEY</b>
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In the Matter of Edana Battaglia,	:	<b>FINAL ADMINISTRATIVE ACTION</b>
Supervising Family Service Specialist	:	<b>OF THE</b>
2 (PS1035K), Department of Children	:	<b>CIVIL SERVICE COMMISSION</b>
and Families	:	
	:	
	:	
CSC Docket No. 2017-3446	:	List Removal Appeal
	:	

**ISSUED:** November 2, 2018 (BS)

Edana Battaglia petitions the Civil Service Commission to restore her name to the promotional list for Supervising Family Service Specialist 2 (PS1035K), Department of Children and Families (DCF).

The promotional list for Supervising Family Service Specialist 2 (PS1035K) promulgated on January 12, 2017 containing the names of 826 qualified candidates. Certification PS170210 was issued on February 8, 2017 and contained Edna Battaglia's name. The appointing authority requested the removal of the petitioner from the subject promotional list due to an unsatisfactory disciplinary history following a 15-day suspension for incompetence, insubordination, neglect of duty, and violation of Department policy on September 2, 2015.

On appeal, the petitioner requests that her name be reinstated to the subject promotional eligible list for Supervising Family Service Specialist 2, the Burlington County location preference, since the disciplinary incident occurred four years ago. In support of her petition, Linda Dobron, Executive Director, Human Resources, DCF, submits a letter explaining that now that three years has passed with no further adverse disciplinary action, the appointing authority has no objection to restoring the petitioner's name to the subject eligible list.

**CONCLUSION**

*N.J.A.C.* 4A:4-6.1(a)7 allows for the removal of a person's name from an eligible list if they have a prior employment history which relates adversely to the title. *N.J.A.C.* 4A:1-

1.2(c) provides that the Civil Service Commission (Commission) may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

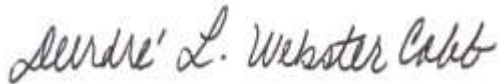
The Commission notes that the petitioner was initially removed from the subject promotional list because she had a disciplinary history which adversely related to the subject position. However, the appointing authority supports the petition to restore the petitioner's name to the subject promotional list since she has not had any subsequent discipline in three years. Additionally, the subject list does not expire until January 11, 2020. Under these circumstances, it is appropriate to relax the provisions of *N.J.A.C. 4A:4-6.1(a)7* and restore the petitioner's name to the subject list for prospective employment opportunities only. However, this relief is limited to the facts of this case and shall not be used as precedent in any other proceeding.

### ORDER

Therefore, it is ordered that this petition be granted and the petitioner's name be restored to the subject promotional list for perspective appointment consideration 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 DAY OF \_\_\_\_\_, 2018



Deirdre L. Webster Cobb, Chairperson  
Civil Service Commission

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c. Edna Battaglia  
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Kelly Glenn