



STATE OF NEW JERSEY

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

In the Matter of Shilpa Gandhi,
Software Development Specialist 2
(S0065U), Statewide

Examination Appeal

CSC Docket No. 2018-2748

ISSUED: APRIL 19, 2018 (SLK)

Shilpa Gandhi petitions the Civil Service Commission (Commission) to allow him to change his Work Location Preference Area for Software Development Specialist 2 (S0065U), Statewide and to add his name to the issued certifications for the subject examination for retroactive and current opportunities.

The examination at issue had a February 9, 2016 closing date. On his application, the petitioner indicated that his Work Location Preference Areas (Preference Areas) for employment were Burlington, Camden, and Gloucester Counties. A total of 64 individuals applied for the examination. The petitioner took the examination on June 2, 2016, which resulted in a list of 28 eligibles that expires on July 13, 2019. The petitioner was the 11th ranked eligible. Certifications OS160545, OS170585, and OS170816 were issued for positions in Mercer County and certification OS170790 was issued for positions in Morris County.

On appeal, the petitioner presents that he contacted the Division of Agency Services (Agency Services) to inquire as to why his name had not been certified and was informed that he did not indicate on his application that he was willing to accept employment in a county where a certification had been issued. Thereafter, the petitioner states that he requested that Agency Services change his Preference Areas on his application to include all counties in New Jersey. Further, the petitioner indicates that he followed up with Agency Services in October 2017 and December 2017 regarding his updated profile because he had never received any certification notices. Additionally, on March 14, 2018, the petitioner submitted a

Change of Candidate Information and Preferences on the Commission's website to indicate that he was willing to accept employment in all counties in New Jersey. The petitioner believes that Agency Services committed an error by not updating his Preference Areas for the subject examination and requests that his name be added to the certifications that had been issued for retroactive and current employment opportunities.

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 for the certifications that were issued as the petitioner did not indicate on his application that he would accept employment in one of the counties where a certification was issued. Further, although the petitioner states that he requested that Agency Services change his Preference Areas to all counties in New Jersey in October 2017, December 2017, and March 2018, Agency Services properly did not change his Preference Areas for the subject examination as this would be considered an amendment to his application, which is not permissible under *N.J.A.C.* 4A:4-2.1(f). However, although the petitioner does not specifically state so, it is presumed that he did not realize at the time of his application that he would only be certified to counties he selected in the Preference Areas on his original application. 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) and the petitioner's application for the subject examination shall be amended to indicate that his Preference Areas shall include all counties in New Jersey for prospective opportunities. However, it is clear that his request for retroactive employment opportunities is meritless. 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.

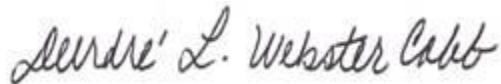
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

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 every county in New Jersey 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 APRIL, 2018



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