



STATE OF NEW JERSEY

In the Matter of Shanteeyah Hall and	:	FINAL ADMINISTRATIVE ACTION
Al-Kedar Jenkins, Senior Juvenile	:	OF THE
Detention Officer (PC2176B), Essex	:	CIVIL SERVICE COMMISSION
County	:	
	:	
	:	
CSC Dockets Nos. 2022-965 and	:	Reconsideration
2022-966	:	
	:	
	:	

**ISSUED: FEBRUARY 18, 2022
(SLK)**

Shanteeyah Hall and Al-Kedar Jenkins request reconsideration of *In the Matter of Rochelle Petty* (CSC, decided October 6, 2021) where the Civil Service Commission (Commission) granted Petty’s requests to file a late application for the promotional examination for Senior Juvenile Detention Officer (PC2176B), Essex County.

By way of background, the examination at issue was announced with requirements that had to be met as of the February 21, 2020 closing date. A total of 35 employees applied and 30 were admitted to the examination. The test was administered on July 20, 2021, and the resultant list contained 19 eligibles. Certification PL210903 was issued containing the names of the 19 eligibles, including Hall, the fifth positioned candidate, and Jenkins, the seventh positioned candidate, and its disposition was due November 24, 2021. However, the appointing authority has not yet returned the certification. The list expires on August 18, 2024.

Petty who had been provisionally appointed to the subject title on June 29, 2021¹, stated that she was unaware and did not have any knowledge of notice being posted for the subject examination. Therefore, she requested to submit a late application and then be allowed to take a make-up examination. The Commission granted Petty’s request to submit her application and application fee after the closing deadline for prospective employment opportunities only.

¹ The decision indicated that she had been provisionally appointed on June 28, 2021; however, personnel records indicate that she was provisionally appointed to the subject title on June 29, 2021.

In their request for reconsideration, Hall and Jenkins state that the appointing authority indicated that the promotions for the subject title from the subject examination have been put on hold due to appeals. They claim that there were visible promotional postings throughout the facility advising of the subject announcement. Hall and Jenkins state that at the time the subject examination was announced, there was one provisional appointee in the subject title, which is what prompted the subject examination. They present that shortly after closing date, the pandemic hit preventing the applicants from testing for the subject examination. Further, although there was an applicant list, Hall and Jenkins indicate that on June 29, 2021, several provisional appointments were made, including Petty and another employee², who did not apply. Hall and Jenkins assert that these two employees had the same opportunity as everyone else to apply for the subject examination in February 2020. They state that the permanent appointments in the subject title have been held up to allow Petty to take a make-up examination. Hall asserts that prior to the test score for the subject examination, Petty threw celebratory parties acting like she was already permanently appointed to the subject title. Meanwhile, they state that the employees who properly applied had to wait over a year to test. Further, Hall and Jenkins present that the appointing authority skipped over higher ranked candidates to provisionally appoint two others to a position in the subject title who are not reachable on the list. They argue that to allow individuals to submit late applications for testing is unfair and does not give equal opportunity for those that qualify and follow the deadline date. Therefore, Hall and Jenkins request that the decision to allow Petty to file a late application and take a make-up examination be reconsidered.

CONCLUSION

N.J.A.C. 4A:4-4.8(b) requires an appointing authority to notify Agency Services of the disposition of a certification by the disposition due date in the manner prescribed by this agency. *N.J.A.C.* 4A:4-4.8(c) provides that failure to dispose of a certification by the due date may result in constructive appointment or other remedial action as set forth in *N.J.A.C.* 4A:10-2. *N.J.A.C.* 4A:10-2.2(b) indicates that when an appointing authority fails to properly appoint from a complete certification, the Commission may take action under *N.J.A.C.* 4A:10-2.1. *N.J.A.C.* 4A:10-2.1(a) provides that when the Commission finds evidence of a violation of or noncompliance with Title 11A, New Jersey Statutes, or Title 4A, *N.J.A.C.*, it may:

1. Issue an order of compliance;
2. Assess costs, charges, and fines not to exceed \$10,000;
3. Order the appointment of an eligible from an outstanding list;
4. In State service, consolidate personnel functions;

² The other employee also requested to submit a file a late application. However, this agency responded that based on personnel records, he did not have the required continuous permanent service and was not eligible for the subject examination. Accordingly, the other employee's appeal was closed by this agency.

5. Initiate a civil action in the Superior Court;
6. Recommend criminal prosecution; or
7. Take other appropriate action pursuant to law or rule.

In this matter, the Commission notes that neither Hall nor Jenkins were parties in the decision that they ask to be reconsidered. Therefore, the Commission finds that they do not have standing to ask for reconsideration and conclude their arguments are without sufficient merit to warrant discussion in a written opinion. However, it is noted that the Commission granted Petty's request for **prospective employment opportunities only**. As such, Petty's name shall not be added to the current outstanding certification PL210903 and has no impact on Hall's or Jenkins' ability to be permanently appointed on the subject certification. Further, Petty's appeal is not grounds for the appointing authority to delay in returning the subject certification, which is currently past due. If the Division of Agency Services determines that the appointing authority is not acting in good faith or is otherwise improperly delaying the return of the certification, it shall request that the Commission issue an order for enforcement, which could potentially lead to an order of noncompliance, fines up to \$10,000, the appointment of eligibles from an outstanding list and other appropriate action indicated under *N.J.A.C. 4A:10-2.1(a)*.

ORDER

Therefore, it is ordered that these requests 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 16TH DAY OF FEBRUARY, 2022

Deirdre L. Webster Cobb

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