



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Regina Angeline,
Rehabilitation Counselor, Mental
Health (S0846V), Statewide

Examination Appeal

CSC Docket No. 2020-1925

ISSUED: FEBRUARY 27, 2020 (SLK)

Regina Angeline petitions the Civil Service Commission (Commission) to allow her to change her work location preference area for Rehabilitation Counselor, Mental Health (S0846V), Statewide.

The examination at issue had a November 21, 2017 closing date. On her application, the petitioner indicated that her work location preference areas (preference areas) for employment were Camden and Essex Counties. A total of 64 individuals applied for the examination. The petitioner took the examination on September 5, 2019, which resulted in a list of 22 eligibles that expires on October 2, 2022. The petitioner was tied as the 6th ranked eligible. Certification OS190562 was issued for positions in Morris County, certifications OS190563 and OS190565 were issued for positions in Camden County, and certifications OS190564 and OS200109 were issued for positions at Trenton Psychiatric Hospital in Mercer County. It is noted that three eligibles were appointed on OS190564. The certification notice for OS200109 was issued on February 18, 2020 and its disposition is due May 10, 2020. There are currently five names remaining on the eligible list who have indicated Mercer County as a preference area and these eligibles are listed on certification OS200109. Agency records indicate that there are currently four employees serving provisionally in the subject title with Trenton Psychiatric Hospital subject to open competitive examination procedures.

On appeal, the petitioner presents in a letter received by this agency on January 22, 2020, that she has been serving provisionally in the subject title with

the appointing authority since June 2017. Recently, she learned that she indicated on her application that her preference area was Camden County and not Mercer County, where she works. She is requesting to change her preference area from Camden County to Mercer County so that she can remain employed with the appointing authority.

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 Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, the Division of Agency Services correctly did not certify the petitioner's name for the certifications in Mercer County as the petitioner did not indicate on her application that she would accept employment in that county. However, although the petitioner does not specifically state so, it is presumed that she did not realize at the time of her application that she would only be certified to counties she selected in the preference areas on her original application. Any other conclusion is illogical as the record indicates that the petitioner works in Mercer County. 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 she 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). Further, it is noted that there are only five eligibles that remain on the list who have expressed interest in working in Mercer County and there are four individuals provisionally serving in the subject title at Trenton Psychiatric Hospital. Therefore, based on the number of anticipated openings, the subject eligible list is expected to be incomplete for appointments with the appointing authority. Additionally, the appellant made the request to change her preference area to Mercer County prior to certification OS200109 being issued, and she continues to provisionally serve in the subject title. Accordingly, 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 her preference areas shall include Mercer County. *See In the Matter of Shilpa Gandhi* (CSC, decided April 18, 2018). Further, the Commission orders that the appellant be added to certification OS200109 for current opportunities.

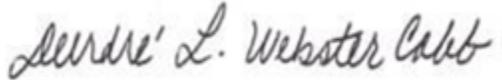
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that the petitioner's request be granted and the petitioner's application be amended to indicate that her work location preference areas shall include Mercer County. Additionally, her name shall be added to certification OS200109 for current 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 26th DAY OF FEBRUARY, 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Regina Angeline
Robin Murr
Kelly Glenn
Records Center