



STATE OF NEW JERSEY

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

In the Matter of Stephen Riznyk,
County Correction Captain
(PC2910W), Monmouth County

Examination Appeal

CSC Docket No. 2019-1928

ISSUED: FEBRUARY 20, 2019 (ABR)

Stephen Riznyk requests to be permitted to submit an application for the promotional examination for County Correction Captain (PC2910W), Monmouth County after the filing deadline.

By way of background, the petitioner, a nonveteran, was permanently appointed to his current title of County Correction Lieutenant, effective July 19, 2014. The announcement for the subject examination was issued on November 1, 2018 and was open to employees of the Monmouth County Department of Corrections who were serving in the title of County Correction Lieutenant and who possessed an aggregate of one year continuous permanent service in that title as of the November 21, 2018 closing date. A total of 10 employees applied for and were admitted to the subject examination, which has not yet been administered.

In support of his request, the petitioner states that around the time of the application period for the subject examination, he was dealing with serious concerns about his physical health. He submits that he was only present at work for six days during the application period and because of the stress he felt under these circumstances, he did not see the job announcement that was posted at his workplace. As a result, he did not submit an application for the subject examination prior to the closing date.

The appointing authority supports the petitioner's request. It states that it posted the announcement for the subject examination in both the front lobby and the training room in the Monmouth County Correctional Institution. However, it

submits that it did not individually notify eligible employees about the examination announcement. The appointing authority also confirms that the petitioner was only present at the facility on six days during the application period.

CONCLUSION

N.J.A.C. 4A:4-2.1(b) requires appointing authorities to ensure the notification by electronic or other means of all eligibles of the promotional examination announcement and to maintain records of promotional examination announcement postings and the notification of eligibles of the announcement. *N.J.A.C.* 4A:4-2.1(e) provides that unless otherwise provided for by the Chairperson of the Commission or designee, applications for promotional examinations shall be submitted to the Commission no later than 4:00 p.m. on the announced application filing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant was not admitted to the subject examination because he did not submit an application by the closing date. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. 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). Here, the appointing authority has acknowledged that it failed to provide the appellant with an individual notification about the examination announcement. The Commission generally denies requests to accept late examination applications, as *N.J.A.C.* 4A:4-2.1(e) requires applicants to file their applications by the closing date. However, the appointing authority failed to comply with the requirement that it provide eligible employees, including the appellant, with an individualized notification about the subject promotional examination and the appellant was not otherwise aware of the examination announcement until after the closing date. Under these limited circumstances, the Commission finds that there is good cause to relax *N.J.A.C.* 4A:4-2.1(e) and allow the appellant to submit a late application for the subject examination.

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

ORDER

Therefore, it is ordered that this petition be granted and Stephen Riznyk be permitted to submit an application for the County Correction Captain (PC2910W),

Monmouth County examination. It is further ordered that Riznyk submit a promotional application and \$75.00 application processing fee to the Division of Agency Services within 20 days of the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that his application be processed. Finally, if Riznyk's application and the required payment are not postmarked within 20 days of the issuance date of this decision, he will not be entitled to have an application for the subject examination processed.

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 20TH DAY OF FEBRUARY, 2019



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