



STATE OF NEW JERSEY

In the Matter of Emily Avalos-
Castillo, *et al.*, 2022 Law
Enforcement Examination, various
titles and jurisdictions

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

CSC Docket Nos. 2022-2601, *et al.*

Examination Appeal

ISSUED: MAY 23, 2022 (JH)

Emily Avalos-Castillo, Alyssa Barnes, Ryan Boyle, Erik Briceno, Matthew Castro, Shakim Crawford, James Del Grosso, Malcom Grier, David Hancock, Qianna Holloway, Jacob Leusner, Olivia Moore, Bryan Olivero, Adam Podwyssocki, Zaynahli Pujols, Reshad Richards, Rebecca Slocum, Marc Sykes, Nicholas Trabucco, Euclides Urena and Marcial Yglesias, request that they be permitted to amend their applications for the open competitive examination for the 2022 Law Enforcement Examination (LEE), various titles and jurisdictions, after the closing date. These appeals have been consolidated due to common issues presented by the appellants.

By way of background, as indicated in the 2022 LEE Frequently Asked Questions (FAQs) page,¹ unlike previous LEE testing cycles, the 2022 LEE did not permit candidates to fill out a single application and indicate the titles for which they wished to be considered. Instead, titles that were included in the 2022 LEE testing

¹ <https://www.state.nj.us/csc/authorities/faq/safety/lee.html>

cycle² were announced separately by jurisdiction.³ Thus, candidates were required to file separate applications to indicate their interest in an announcement for a particular jurisdiction and title.⁴ It is noted that online applications were available for each announced title via the Online Application System (OAS). In the “Contact Information” section of the application, candidates were required to provide their e-mail address, mailing address and the jurisdiction where they resided. Specifically, under “Residence,” candidates are advised, “This section is used to determine your residency code. First, find the county, and then the specific town, borough, city, or township in which you reside.”⁵ As such, candidates were required to first select the county in which they resided and then the jurisdiction. Once a candidate selected the jurisdiction in which they resided, the corresponding residency code was automatically populated into the residency code field.⁶

² The following titles were announced as part of the 2022 LEE: Police Officer; County Police Officer; Park Police Officer; Campus Police Officer Recruit; Police Officer Recruit, Human Services; Police Officer, Palisades Interstate Park; State Park Police Officer Trainee; Sheriff's Officer; County Correctional Police Officer; Correctional Police Officer; Correctional Police Officer, Juvenile Justice Commission; Parole Officer Recruit; and Parole Officer Recruit, Juvenile Justice. Bilingual variants for some of these titles were also announced.

³ It is noted that the subject announcements were issued on January 3, 2022 with a February 28, 2022 closing date and all applications had to have been received by 4:00 p.m. on that date. It is further noted that the subject examination is tentatively scheduled to be administered on the following dates: June 11, 16, 25, 30 and July 9 and 14, 2022.

⁴ As also noted in the LEE FAQs, “the Law Enforcement Aptitude Battery (LEAB) will be used to test candidates who apply for any of the LEE titles . . . Because the same examination is used, candidates will only have one opportunity to take the examination, regardless of the number of announcements for which they apply, and their score achieved on the examination will be applied to all these 2022 LEE announcements for which they have applied.”

⁵ The 2022 LEE Fact Sheet, under the section entitled, “Residency,” informed candidates, “Applicants are required to complete the residency portion of the application. Please note that your residency may be different from your mailing address. Residency information will be used to place your name in the appropriate tier for municipal and/or county eligible lists. You must be a legal resident of the jurisdiction you list as your residency as of the announcement closing date, and as of the appointment date for some jurisdictions. Please check with the municipality or county for their residency requirement.”

⁶ The “Contact Information” section in the online application, as indicated in the OAS User Guide:

Candidates who filed more than one application and did not indicate the same residency code on all of their applications were sent an email on February 4, 2022 which indicated:

Subject: Residency issues with your Law Enforcement applications:
Action Required

Dear applicant,

Thank you for your recent application for the 2022 Law Enforcement Examination (LEE). Our records show that you have submitted applications for several different LEE announcements but have provided different residences on your applications. According to the rules set forth in NJAC 4A:4-2.11(b) *[sic]*,⁷ residence requirements mean applicants must reside at a **single legal residence**. We are unable to process **ANY** of your LEE applications until you select a single, common residence on your LEE applications.

Please go to the Civil Service Commission website to fill out a change of address form that contains your single residence (Change Address (state.nj.us)). **In the “comments” field on the form, please write the following statement: 2022 Law Enforcement Examination.** The information you provide on this form will be applied to all of your LEE applications. In order to be eligible to take the 2022 LEE examination, you must fill out this change of address form with

✶ E-mail Address:

✶ Mailing Address 1 (max 20 characters):

Street address, P.O. box, company name, c/o

Mailing Address 2 (max 20 characters):

Apartment, suite, unit, building, floor, etc.

✶ City: ✶ State: ✶ Zip Code:

Residence: This section is used to determine your residency code. First, find the county, and then the specific town, borough, city, or township in which you reside. **NOTE:** Applicants who live outside of New Jersey will automatically be assigned the residency code of 0000.

✶ County: ✶ City: Residency Code:

✶ Daytime Telephone Number: ✶ Alternate Telephone Number:

⁷ N.J.A.C. 4A:4-2.11(b) provides that in local service, an appointing authority shall provide the Civil Service Commission with its residency ordinance or resolution, if any, on an annual basis or as requested by an appropriate representative of the Commission, and shall provide any subsequent modifications within 20 days after adoption.

your single, correct residence by no later than **Monday, March 21 at 4:00 pm.**

For those candidates who did not respond prior to March 7, a second email containing the same information as noted above was sent on March 7, 2022. For those candidates who did not respond by the March 21, 2022 deadline, they were sent an email on March 31, 2022 which indicated, in part, that they had been disqualified from the LEE testing process.

It is noted that during the appeal process, each appellant has provided their mailing address and place of residency.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

At the outset, it is noted that the Civil Service Commission (Commission) announces entry level law enforcement competitive examinations for positions in three different levels of government: State, County, and Municipal. Examinations for State government positions are typically open to all New Jersey State residents. County examinations are typically open to residents of the particular counties where the positions are located, and municipal examinations are typically open only to residents of the particular municipalities where positions are located. In the event that a sufficient number of eligible applicants cannot be found in a particular municipality, the subject examination will then be opened to residents of the county in which the municipality is located, followed by residents of the State of New Jersey and finally to residents of the United States. *N.J.S.A.* 40A:9-1.6, in conjunction with *N.J.S.A.* 40A:14-123.1a, provides for priority ranking of eligible categories or “sub-lists” of eligibles in accordance with their residency. In the event that an examination was opened beyond the municipality, eligibles would be placed on a list in the following order: residents of the municipality; county of the municipality; residents of New Jersey and finally residents of the United States.⁸ It is further noted that *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Commission to remove an individual from an eligible list who has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. This includes applicants who provide false or inaccurate representations of their residency. See *e.g.*, *In the Matter of Damion Callaway* (CSC, decided October 7, 2009). Thus, it is imperative for Civil Service purposes that an applicant provide their correct residency on their application.

In the present matter, it is noted that the materials available to applicants, *e.g.*, the application, the subject announcements, the 2022 LEE FAQs, the 2022 LEE Fact Sheet, the OAS User Guide and the above noted email, did not provide a definition of “residency.” In this regard, as noted in the 2022 LEE Fact Sheet, residency may be different from a candidate’s mailing address. In other words, a mailing address is where a candidate receives their mail. The jurisdiction where a candidate claims residency is where they maintain their single legal residence, *i.e.*, the place where they permanently, physically live.⁹ In this regard, the “city” name

⁸ *N.J.A.C.* 4A:4-3.2(a)1 provides that when an announcement is open to more than one local jurisdiction, the resulting list of eligibles shall be separated into sub-lists by the residency requirements as provided by applicable law and ordinance.

⁹ *N.J.A.C.* 4A:4-2.11(c) provides that where residency requirements have been established in local service in addition to the New Jersey State residency requirement, residence with regard to local

associated with a particular ZIP code in the mailing address may differ from the municipality in which the home or apartment is actually located. *See e.g., In the Matter of Agustin Melendez* (CSC, decided August 1, 2018) (The Commission restored the appellant's name to the eligible list after he was removed for failure to meet the residency requirement (Middlesex County) as his mailing address (zip code) was Keyport in Monmouth County. However, tax assessment records indicated that the address was physically located in Old Bridge in Middlesex County, where the appellant paid property taxes). Moreover, the change of address form, which candidates were instructed to complete as indicated in the emails noted above, does not contain a "residency" field:

New Jersey Civil Service Commission
CHANGE OF CANDIDATE INFORMATION AND PREFERENCES FORM

The New Jersey Civil Service Commission utilizes applicants' contact information and preferences throughout the testing and certification processes. Accurate and up-to-date records regarding your contact information and preferences are extremely important for a timely receipt of your notifications.
 * Indicates a required field

| Old Contact Information: | New Contact Information: |
|---|---|
| *Name: <input type="text"/> | Name: <input type="text"/> |
| *Street: <input type="text"/> | Street: <input type="text"/> |
| Apt/Suite/Bldg: <input type="text"/> | Apt/Suite/Bldg: <input type="text"/> |
| *City: <input type="text"/> | City: <input type="text"/> |
| *State: <input type="text" value="Select State"/> | State: <input type="text" value="Select State"/> |
| *Zip Code +4: <input type="text" value=" - - - -"/> | Zip Code +4: <input type="text" value=" - - - -"/> |
| *Phone: <input type="text" value=" - - - -"/> | Phone: <input type="text" value=" - - - -"/> |
| *E-mail: <input type="text"/> | E-mail: <input type="text"/> |
| SSN/Applicant ID: <input type="text" value=" - - - -"/> | SSN/Applicant ID: <input type="text" value=" - - - -"/> |

WORK LOCATION PREFERENCE AREA (For State Government positions only)
 Please check the box(es) next to the counties where you are willing to accept employment:

| | | |
|------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Atlantic | <input type="checkbox"/> Bergen | <input type="checkbox"/> Burlington |
| <input type="checkbox"/> Camden | <input type="checkbox"/> Cape May | <input type="checkbox"/> Cumberland |
| <input type="checkbox"/> Essex | <input type="checkbox"/> Gloucester | <input type="checkbox"/> Hudson |
| <input type="checkbox"/> Hunterdon | <input type="checkbox"/> Mercer | <input type="checkbox"/> Middlesex |
| <input type="checkbox"/> Monmouth | <input type="checkbox"/> Morris | <input type="checkbox"/> Ocean |
| <input type="checkbox"/> Passaic | <input type="checkbox"/> Salem | <input type="checkbox"/> Somerset |
| <input type="checkbox"/> Sussex | <input type="checkbox"/> Union | <input type="checkbox"/> Warren |

Comments:

service requirements means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;
3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent's residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver's license, motor vehicle registration, or voter registration card and other documents is the same as the claimed legal residence. Post office box numbers shall not be acceptable; and
6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.

As such, particularly for those appellants who indicated the same address on all of their applications, the underlying issue may not have been readily apparent.

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). Given that the 2022 LEE testing cycle, unlike prior LEE testing cycles, required applicants to file more than one application if they were interested in multiple titles and/or jurisdictions, applicants were not provided with a definition of residency, and that the appellants confirmed their addresses and residency codes on appeal, good cause has been established to permit the appellants to amend their applications. This remedy is limited to the facts of this matter and may not be used as precedent for any other proceeding.

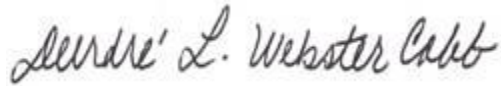
The Commission emphasizes that it is not making a determination of the appellants' residency but rather that the appellants made requests to amend their applications. In this regard, it is noted that each jurisdiction has its own residency requirement, which must be met by the closing date. The Civil Service Commission does not have authority over the establishment of this requirement. Some jurisdictions only require candidates to be residents as of the closing date, while others also require that residency be maintained up to the date of appointment. *See N.J.A.C. 4A:4-2.11(c)*. The appointing authority may, at its discretion, investigate the appellants' residency as part of a background check conducted prior to making any appointment.

ORDER

Therefore, it is ordered that these requests be granted and the appellants be permitted to amend their applications for the 2022 Law Enforcement Examination. It is further ordered that upon determination of eligibility, the appellants be admitted to the subject examination.

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 MAY, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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| Inquiries | Allison Chris Myers |
| and | Director |
| Correspondence | Division of Appeals and Regulatory Affairs |
| | Civil Service Commission |
| | Written Record Appeals Unit |
| | P.O. Box 312 |
| | Trenton, New Jersey 08625-0312 |

Attachment

c: Emily Avalos-Castillo (2022-2601)
Alyssa Barnes (2022-2485)
Ryan Boyle (2022-2595)
Erik Briceno (2022-2597)
Matthew Castro (2022-2599)
Shakim Crawford (2022-2498)
James Del Grosso (2022-2506)
Malcom Grier (2022-2515)
David Hancock (2022-2614)
Qianna Holloway (2022-2615)
Jacob Leusner (2022-2499)
Olivia Moore (2022-2771)
Bryan Olivero (2022-2603)
Adam Podwysocki (2022-2679)
Zaynahli Pujols (2022-2594)
Reshad Richards (2022-2602)
Rebecca Slocum (2022-2481)
Marc Sykes (2022-2659)
Nicholas Trabucco (2022-2600)
Euclides Urena (2022-2507)
Marcial Yglesias (2022-2820)
Division of Agency Services