



B-107

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Theresa E. Certo,
Entry Level Law Enforcement
Examination (S9999R)

CSC Docket No. 2014-3080

Examination Appeal

ISSUED: FEB 09 2015 (DASV)

Theresa E. Certo requests that her score on the open competitive examination for Correction Officer Recruit (S9988R), Statewide, be applied to the Entry Level Law Enforcement Examination (LEE) (S9999R).

By way of background, the LEE is utilized to test all entry level law enforcement titles areas, including Police Officer titles;¹ Sheriff's Officer; County Correction Officer; Correction Officer Recruit; and Correction Officer Recruit, Juvenile Justice. The prior administration of the LEE, which occurred in the 2010 testing cycle, consisted of three title area announcements.² See *N.J.A.C. 4A:4-2.3(c)*. Regardless of how many announcements candidates applied for, they were scheduled for one test session. If a candidate achieved a passing score, it was applied to each resulting pool for which the candidate submitted an application.

¹ The Police Officer title area includes Municipal Police Officer, Campus Police Officer Recruit, County Police Officer, Park Police Officer, Police Officer Recruit, Human Services, and Police Officer, Palisades Interstate Park.

² Specifically, announcement 1 (S9999M) included the following title areas: Municipal Police Officer; Municipal Police Officer (Bilingual in Spanish/English); Municipal Police Officer (Bilingual in Korean/English); Municipal Police Officer (Multilingual in Spanish/Portuguese/English); Campus Police Officer Recruit; County Police Officer; Park Police Officer; Police Officer Recruit, Human Services; Police Officer, Palisades Interstate Park; Sheriff's Officer; Sheriff's Officer (Bilingual in Spanish/English); and State Park Police Officer Trainee. Announcement 2 (S9988M) included the following title areas: Correction Officer Recruit; Correction Officer Recruit, Juvenile Justice; and County Correction Officer. Announcement 3 included the following title areas: Parole Officer Recruit (S0738M); Parole Officer Recruit, Juvenile Justice (S0739M); and Parole Officer Recruit (Bilingual in Spanish/English) (S0740M).

The eligible lists for the above noted title areas resulting from the 2010 LEE were set to expire effective June 9, 2013. However, the Department of Corrections anticipated that the list for Correction Officer Recruit would be exhausted by June 2013. Accordingly, based upon the Department of Corrections' pressing need to fill positions by June 2013, the Division of Selection Services determined that a separate announcement would have to be issued in December 2012 in order to produce an eligible list for the Correction Officer Recruit title by June 2013. As a result, the examination announcement for Correction Officer Recruit (S9988R), Statewide, was issued on December 3, 2012 and closed on January 14, 2013. The resulting eligible list promulgated on May 23, 2013 and will expire on May 22, 2015. Subsequently, the examination announcement for the 2013 LEE (S9999R) was issued on June 4, 2013 and closed on September 4, 2013. The 2013 LEE announcement included the following title areas: Municipal Police Officer; other Police Officer titles; Sheriff's Officer; County Correction Officer; and Correction Officer Recruit, Juvenile Justice. The LEE (S9999R) eligible lists promulgated on May 2, 2014 and are set to expire on May 1, 2016.

A review of the record reveals that the petitioner filed for the Correction Officer Recruit (S9988R), Statewide, examination, and was tested on March 7, 2013. She achieved a passing score and appears on the resulting eligible list in rank 6,376. On November 18, 2013, the petitioner was appointed provisionally pending open competitive examination procedures as a County Correction Officer with Salem County. However, she did not file for the LEE (S9999R), which, as noted above, closed on September 4, 2013.

In her request, the petitioner states that her name is "not being applied to the correct Civil Service Eligibility Lists." She explains that in the fall of 2012, she applied for the "State Corrections, County Corrections, and Juvenile Detention Officer" examinations. She indicates that all test takers were advised at the time of the Correction Officer Recruit (S9988R), Statewide, examination that they would not be permitted to sit for the LEE (S9999R) as the scores of the Correction Officer Recruit (S9988R), Statewide, examination would be applied to that test. She also contends that the test date notifications for the County Correction Officer and Juvenile Detention Officer examinations, which she received, stated similar information, "so [she] did not sit for either of them." The petitioner indicates that she received no further correspondence from this agency. In September 2013, she was then appointed provisionally as a County Correction Officer with Salem County and was informed that her permanent employment was contingent upon her placement on the eligible list. The petitioner notes that a County Correction Sergeant had informed her that her name did not appear on the LEE (S9999R). She then attempted to have the matter resolved with this agency and believed that it was corrected and she was on the Salem County list. However, she did not receive any notification of certification. Moreover, the petitioner contends that in December 2013, the employment contract between Salem County and the County

Correction Officers was amended and residency preference was no longer applicable. She submits the part of the employment contract that states that "Employee shall not be required to maintain County Residency after completion of one year of service." The petitioner resides in Camden County. Additionally, she claims that she did not receive notification that was supposedly sent in June 2013, informing applicants to send in a separate fee to have their score applied to all eligible lists.

It is noted that the Division of Selection Services advised that in order to have a score applied from the Correction Officer Recruit (S9988R) test administration to any of the titles included under the LEE (S9999R) announcement, a candidate had to submit a timely application and fee for the LEE. Moreover, on the day of the Correction Officer Recruit (S9988R) test, candidates were given information regarding the application process for the LEE (S9999R). Further, contrary to the petitioner's claim, she was not sent a test date notification for a County Correction Officer examination, since that title would be tested under the LEE (S9999R). The Division of Selection Services also indicated that the petitioner applied for the Juvenile Detention Officer (C0788P), Camden County, examination which was administered on March 21, 2013, but she was recorded as a "no show." The Juvenile Detention Officer title was not tested under the LEE (S9999R). As to the June 2013 "mailing," the Division of Selection Services indicated that there was no such mailing. Rather, the June 2013 LEE (S9999R) announcement contained information about applying scores from one test administration to another.³ Furthermore, the Division of Selection Services discovered that the petitioner began the application process for the Parole Officer Recruit (S0566R) examination, which had information about applying scores from the Correction Officer Recruit (S9988R), Statewide, examination. Further, it questioned how the petitioner was appointed provisionally given that there existed an eligible list for County Correction Officer (C9969M), Salem County, at the time of her appointment. The County Correction Officer (C9969M), Salem County, eligible list, promulgated on June 10, 2011 and expired on May 1, 2014. However, the eligible list appears to have been exhausted by the time of the petitioner's provisional appointment.

³ The announcement for the 2013 LEE provided a link to, and instructs applicants that they must read the 2013 Law Enforcement Examination Fact Sheet (Fact Sheet). The Fact Sheet indicates, in part, that candidates who have taken the 2013 State Correction Officer Recruit exam "and apply for any title within the 2013 LEE announcement will NOT be scheduled to take the LEE exam . . . [and] will automatically have their score applied to all titles for which they apply as part of the 2013 LEE announcement"

CONCLUSION

N.J.A.C. 4A:4-2.1(e) states that unless otherwise provided for by the Chairperson of the Civil Service Commission (Commission) or designee, applications for open competitive and promotional examinations shall be submitted to the Commission no later than 11:59 p.m. on the announced application filing 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, on January 2, 2013, the 2013 State Correction Officer Recruit Examination Administration Guide (Guide) was available on the Commission's website. In the section entitled, "Other Frequently Asked Questions (FAQs)," candidates were informed:

If I take the 2013 Correction Officer Recruit examination and then apply for the 2013 LEE announcement, will I be scheduled to take the 2013 LEE examination?

No, any candidate who takes the 2013 Correction Officer Recruit examination and subsequently applies for any title within the upcoming 2013 LEE announcement will NOT be scheduled to take the LEE exam. Candidates interested in employment for any of the titles within the 2013 LEE announcement will still need to submit a LEE application and any relevant fees associated with the application process. However, candidates who take the 2013 Correction Officer Recruit examination will automatically have their score applied to all titles and symbols for which they apply as part of the 2013 LEE announcement, when that eligible pool becomes active. Therefore, it is recommended that you put forth your best effort when taking the 2013 Correction Officer Recruit examination since this score will be applied to all titles and symbols for which you apply in the 2013 LEE announcement.

In addition, at the time of the Correction Officer Recruit (S9988R) examination, room monitors were instructed to read the following to candidates:

Any candidate who takes the 2013 State Correction Officer Recruit examination and subsequently applies for any title associated with the upcoming 2013 Law Enforcement Examination (LEE) announcement will NOT be scheduled to sit for the LEE. Candidates interested in employment for any of the titles contained in the 2013 LEE announcement will still need to submit a LEE application and any relevant fees associated with the application process. However, candidates who take the 2013 State Correction Officer Recruit

examination will automatically have their score applied to all titles and symbols for which they submit an application as part of the 2013 LEE announcement, when that eligible pool becomes active. Therefore, it is recommended that you put forth your best effort when taking the 2013 State Correction Officer Recruit examination since this score will be applied to all titles and symbols for which you submit an application in the 2013 LEE announcement.

Further, candidates were provided with a Candidate Rights and Responsibilities sheet that included the same information. Thus, the petitioner's claims as to what occurred are not accurate. Nonetheless, notwithstanding the suggestion that the petitioner may have been aware of the process given the information that was widely disseminated, she apparently did not understand or was confused as to her responsibility to apply separately for the LEE (S9999R) and pay the application processing fee. Moreover, considering that she is serving provisionally as a County Correction Officer with Salem County and did in fact pass the Correction Officer Recruit (S9988R), Statewide, examination, good cause has been shown to relax the provisions of *N.J.A.C. 4A:4-2.1(e)* and permit her to file a late application for the LEE (S9999R). However, given the circumstances that there was ample notice given to applicants regarding the application of test scores, the petitioner's LEE (S9999R) application shall only apply to the title of County Correction Officer. The Division of Agency Services⁴ is directed to send the petitioner a written application upon receipt of this decision and inform her of the applicable fee for the title. **The completed application and application processing fee should then be returned within 20 days of the petitioner's receipt of the application to the New Jersey Civil Service Commission, P.O. Box 321, Trenton, New Jersey 08625-0321, along with a copy of this decision. Failure to file the application and processing fee within the time provided will result in rejection from the examination process.**

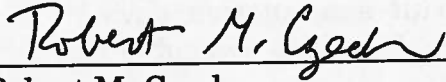
ORDER

Therefore, it is ordered that this request be granted, and Theresa E. Certo's application be accepted, contingent upon receipt of the completed application and processing fee within 20 days of receipt of the application.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

⁴ The application function formerly performed by the Division of Selection Services is now performed by the Division of Agency Services.

**DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4TH DAY OF FEBRUARY, 2015**



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**c: Theresa E. Certo
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