

### STATE OF NEW JERSEY

# FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Bryant Warner, Principal Investigator Parole and Secured Facilities (PS4557P), Juvenile Justice Commission

CSC Docket No. 2017-3358

**Examination Appeal** 

**ISSUED:** 

NUG 18 2017

(SLK)

Bryant Warner petitions the Civil Service Commission (Commission) to accept his untimely application for the promotional examination for Principal Investigator Parole and Secured Facilities (PS4557P), Juvenile Justice Commission.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2017 closing date (see attached). A total of eight employees applied for the subject examination and six were deemed eligible.

On appeal, the petitioner presents that during the time-period the examination was announced, he was under various doctors' care. He indicates that on the closing date, he made several attempts in the early morning and later in the afternoon to submit his on-line application; however, the Commission's website was down and he assumed that it would be back up later in the evening. Thereafter, after several unsuccessful attempts throughout the evening to create a username or password on the Online Application System (OAS), he sent an e-mail at 11:50 p.m. to OAS support.

The next day, OAS support replied to his e-mail stating that the system was available throughout the announcement period, it had no record of the petitioner creating a user account in the OAS during the announcement period and it had no record of the petitioner making any requests for assistance prior to his 11:50 p.m. e-mail on the closing date. Additionally, OAS support highlighted that the announcement instructs that customer support was available between 8:00 a.m.

and 4:00 p.m. Monday through Friday and states that application support requests received outside regularly business hours on the closing date will not change the application filing deadline.

#### CONCLUSION

*N.J.A.C.* 4A:4-2.1(e) provides, in pertinent part, that applications for open-competitive and promotional examinations should be filed no later than 11:59 p.m. on the announced filing date for filing applications. 1 *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.

A review of the record indicates that the petitioner was under medical care throughout the announcement time-period and the petitioner implies this is why he did not apply for the subject examination sooner in the announcement period. The record indicates that the petitioner did e-mail OAS support prior to the closing deadline. While it is acknowledged that the announcement did indicate that OAS support was only available during regular business hours and that support requests outside regular business hours on the closing date would not change the application filing deadline, it cannot be ignored that the petitioner attempted to file his application prior to the 11:59 p.m. deadline. Further, in amending N.J.A.C. 4A:4-2.1(e) to change the deadline from 11:59 p.m. to 4:00 p.m., the Commission explained that the amendment would allow agency staff to support applicants experiencing technical difficulties with their applications during working hours. See 49 N.J.R. 493. In other words, the rationale behind amending the filing deadline was to ensure applicants had support if they were experiencing technical difficulties up to the deadline for filing the applications.

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 presented with employment opportunities. are individuals fewer. Communications Workers of America v. New Jersey Department of Personnel, 154 N.J. 121 (1998). Additionally, the petitioner was under medical care throughout the announcement period, and he did contact OAS support prior to the closing deadline. Under these circumstances, the Commission finds that the petitioner should not be penalized for the fact that OAS support was not available up to the deadline. Therefore, the Commission finds that there is good cause to relax N.J.A.C. 4A:4-2.1(e) and to allow the petitioner to submit his application and application fee after the closing deadline for prospective employment opportunities only.

<sup>&</sup>lt;sup>1</sup> Effective June 24, 2017, *N.J.A.C.* 4A:2.1(e) was amended and now provides that promotional applications shall be submitted to this agency no later than 4:00 p.m. on the announced application filing date.

This determination is limited to the instant matter and does not provide precedent in any other matter.

#### ORDER

Therefore, it is ordered that this appeal be granted and the petitioner shall submit the attached application and the application fee within 30 days of the date of this decision to the Division of Agency Services so that his application can be processed for prospective employment opportunities only.

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 16<sup>th</sup> DAY OF AUGUST, 2017

Robert M. Czech, 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

Attachments

c: Bryant Warner Kelly Glenn Records Center NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE

#### PROMOTIONAL ANNOUNCEMENT



\$25,00PROCESSING FEE REQUIRED Make Check/Money Order Payable to NJCSC

SYMBOL: PS4557P

WEIGHT CODE: \*

TITLE: PRINCIPAL INVESTIGATOR PAROLE AND SECURED FACILITIES

SALARY: \$80,749.00 - \$118,591.00

ISSUE DATE: March 01, 2017

CLOSING DATE: March 21, 2017

TITLE CODE: 32646/OGRXR2

CLASS CODE: 25

THEE CODE. CO. I. C. T.

CLASS CODE: 2:

DEPARTMENT: JJA/LAW & PUBLIC SAFETY

UNIT SCOPE: P380 Juvenile Justice Commission (Commission-wide)

Visit www.state.nj.us/csc

And select "Job Announcements"

to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Senior Investigator Parole and Secured Facilities

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Three (3) years of experience in either: (A) the custodial field which shall have included investigations of violations of rules, regulations, standards and laws by adult inmates, juveniles and/or employees working within a secured facility: or (B) in parole casework.

Special Requirements: Appointees will be required to satisfactorily complete the basic course of Investigators at the Division of Criminal Justice Training Academy, if they have not already done so.

In accordance with NJSA 2A:154-4, investigators working in secured facilities are empowered to act as peace officers. As such, they must have completed basic police training conducted by the Police Training Commission.

Note: Appointees to this position must successfully qualify semi-annually in the use of firearms.

License: Appointees must possess a driver's license valid in NJ. Proof of the license must be submitted to the appointing authority prior to appointment. Failure to do so will result in rejection from the examination process.

Note: The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

#### IMPORTANT INFORMATION

- 1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.
- 2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
- 3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
- 4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
- 5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TUTLES.
- 6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
- 7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE FARLY.
- 8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared incligible and denied admittance to the examination process.

DPF-256A \* Revised 03/09

## **APPLICATION FOR PROMOTIONAL EXAMINATION**

NEW JERSEY DEPARTMENT OF PERSONNEL -- STATE SERVICE

INSTRUCTIONS: Please print or type. Answer all pertinent questions and ensure that all information is accurate and complete. Sign your name in Block 13. NOTE: No additional information may be accepted after the last date for filing applications has passed. If you change your address, you must notify the Department of Personnel immediately in writing.

Return your completed application to your personnel office no later than the last date for filing listed on the announcement.

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Page 6	VALENT INCOME.		_								
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