



**STATE OF NEW JERSEY**

In the Matter of Anthony Duardo,  
Police Sergeant (PM0802V),  
Hackensack

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

CSC Docket No. 2018-334

Examination Appeal

**ISSUED:** April 23, 2018 (JH)

Anthony Duardo requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM0802V), Hackensack, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on July 1, 2017 with an application filing deadline of July 21, 2017 and all on-line applications had to have been received by that date. It is noted the subject test was administered on October 28, 2017.

On appeal, Duardo, in a sworn statement, explains that in July, his wife was experiencing complications during her pregnancy and he had to take leave time from work in order to care for their other children. He explains that “during this time[,] the flyer was handed out and unknowingly sat in my mailbox.” However, he further explains that he attempted “to fill out the application on July 21<sup>st</sup> at 3:45 p.m. and when I clicked to the next page after putting my Supervisor’s name and phone number a message stating[,] ‘This session has closed[,]’ popped up. At the bottom of the flyer it states that customer service hours are from 8 am – 4 pm so I assumed registration was closed at the end of the business day.” In support of his appeal, he submits additional documentation including: Hackensack Police Department Schedule for Anthony Duardo for July 2017; a copy of a Hackensack Police Department memorandum dated July 11, 2017 regarding the subject test; and a copy of his child’s birth certificate dated July 14, 2017.

## CONCLUSION

Prior to July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) provided, in part, that applications for promotional examinations shall be filed no later than 11:59 p.m. on the announced filing date. However, effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to substitute “4:00 p.m.” for “11:59 p.m.”

In the present matter, Duardo has submitted a signed sworn statement that he attempted to file an application at 3:45 p.m. on the filing deadline but he was unable to do so. It is not clear from the record, whether applications for the subject test were available after 4:00 p.m. on the filing deadline. Given that the amendment went into effect four days prior to the filing deadline and candidates were not informed of this change, it would not be appropriate to require candidates to file by 4:00 p.m.

The Commission is willing to accept that if Duardo is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will accept Duardo’s statement that he was unable to access the subject on-line application after 4:00 p.m. on the filing deadline, July 21, 2017.

Accordingly, good cause has been presented to relax the provisions of *N.J.A.C.* 4A:4-2.1(e) and permit Duardo to file an application. In this regard, the Division of Agency Services should send the appellant a written application upon receipt of this decision. The completed application and the required application processing fee should be forwarded within the time specified by the Division of Agency Services to: New Jersey Civil Service Commission, P.O. Box 322, Trenton, New Jersey 08625-0322. 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 appeal be granted and the appellant’s application be accepted. Therefore, it is ordered that this appeal be granted, the appellant’s application be accepted and reviewed for eligibility, contingent upon receipt of the completed application and processing fee within 20 days of receipt of the application, and the appellant be scheduled for a make-up 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 APRIL, 2018

*Deidre L. Webster Cobb*

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Deidre L. Webster Cobb  
Chairperson  
Civil Service Commission

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