



STATE OF NEW JERSEY

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

In the Matter of Keyion Jones,
Fire Captain (PM1058V),
Trenton

Examination Appeal

CSC Docket No. 2018-817

ISSUED: June 7, 2018 (RE)

Keyion Jones requests admittance to the promotional examination for Fire Captain (PM1058V), Trenton.

The subject examination was announced on August 1, 2017, with an application deadline date was August 21, 2017, and a closing date of September 30, 2017. Only on-line applications were accepted, and the appellant did not submit one. Eighty-one candidates were admitted to the examination which had two parts, a written multiple-choice exam and an oral exam, both of which have been administered, but the examination results are not yet available. It is noted that the appellant was conditionally admitted to the subject examination and participated in the oral portion of the examination, but had not taken the written examination.

By way of background, on August 22, 2017, the appellant sent an email to the Division of Agency Services (Agency Services), stating, "...when I try to sign up for the promotional exam for firefighters we had a little difficulty finding the links that match the paperwork. Finally when I entered all my information yesterday application [sic] have expire [sic]. I just called again and did not know that the application close at 4pm. Even though I started the process before then is there anyway I can be spared or we [sic] contacted to know what I do next." Agency Services responded that the announcement was posted on the Civil Service Commission website from 12:01 AM on August 1, 2017 until 4:00 PM on August 21, 2017, and was available for 24 hours each day during the posting period. It stated that there is no record that the appellant started an application at any time during the filing period, and no emails requesting assistance were received prior to the August 22, 2017 email.

It indicated that the announcement stated the filing deadline time was 4:00 PM, and technical support was available during regular business hours.

On appeal, the appellant argues that the announcement did not indicate a 4:00 PM deadline on August 21, 2017, and he only had 16 hours to apply on that date. He states that he would have completed it by 11:59 PM. He maintains that he started the application prior to 4:00 PM.

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 the announced filing date for filing applications. *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause to effectuate the purpose of Title 11A, New Jersey Statutes.

The appellant was not admitted to the subject examination since he did file an application by 4:00 PM on the August 21, 2017 closing date. Announcements for Fire Captain issued August 1, 2017 indicated that 4:00 PM was the deadline for filing on August, 21, 2017, however the announcement for Trenton (PM1058V) failed to include this deadline. The appellant could have intended to file his application at the last moment, the final hours of August 21, 2017, but after 4:00 PM he could not do so. Although the appellant claims he started an application prior to the 4:00 PM deadline, the computer keeps track of when applications are started and finished, and there is no indication that the appellant started his application prior to 4:00 PM. Therefore, he has not established that he attempted to file his application prior to 4:00 PM. However, since the 4:00 PM deadline was not listed on the announcement, based solely on equitable grounds, the appellant's submitted application should now be accepted.

ORDER

Therefore, it is ordered that this request be granted, and the appellant be given a make-up examination. If the appellant achieves a passing score, his name should be added to the list for prospective appointment 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 6th DAY OF JUNE, 2018



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