



STATE OF NEW JERSEY

In the Matter of Juan Cosme, Police
Sergeant (PM2540W), Newark

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

CSC Docket No. 2019-1471

Examination Appeal

ISSUED: February 11, 2019 (JH)

Juan Cosme, represented by Michael L. Prigoff, Esq., requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM2540W), Newark after the application filing deadline.

By way of background, the announcement for the Police Sergeant (PM2540W), Newark, examination was issued on October 1, 2018 with an online application filing deadline of October 22, 2018 and all applications had to have been submitted by that date. It is noted the subject test is tentatively scheduled to be administered in February 2019.

In an appeal filed on November 16, 2018, the appellant indicates that on October 2, 2018, he attempted to file for the subject test. He explains “having never previously applied for a promotional exam, Officer Cosme was unfamiliar with the process and had difficulty locating the exam to register for. He ended up registering for the ‘Manager 1 Civil Service Commission’ [(PS8575C)] exam, which appeared to be the closest fit to the position he was seeking, paid the fee and received a confirmation of his registration.” He presents that on November 7, 2018, he received a notice of ineligibility for the PS8575C examination and argues that “had the notice of [i]neligibility been issued in a more timely fashion, Officer Cosme could have easily registered for the correct exam prior to the deadline’s expiration.” He argues that the closing date for the subject exam “is not until January [3]1, 2019 and the exam itself is not scheduled until February.” In an attached certification dated November 16, 2018, the appellant maintains that he “went on the Civil Service website and looked under ‘Job Announcements’ . . . and looked under the heading ‘Promotional Announcements for Current Government Employees.’ I then

clicked on ‘View Promotional Announcements here,’ scrolled down to ‘Essex County’ and clicked on that. I did not see the much smaller dialog box below that for promotional announcements for municipalities.” He presents that “on the list provided by the website, I signed up for the only exam that appeared to be appropriate, ‘Manager 1 Civil Service Commission,’ filled out the registration materials and paid the registration fee.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides, in part, that applications for promotional examinations shall be submitted no later than 4:00 p.m. on the announced application filing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant in an examination appeal shall have the burden of proof.

In the present matter, the subject announcement indicated that only online applications would be accepted and directed candidates to “visit www.state.nj.us/csc and select ‘Job Announcements’ to view this announcement and to file an application.” On the “Job Announcements” page, candidates for the subject announcement would select the “View **Promotional** Announcements here” link (<https://info.csc.state.nj.us/epoa/>) which would take them to the following screen:



*Promotional
Job Announcements*

[| CLOSE WINDOW | NJCSC HOME |](#)

NEW: We are transitioning to a new online job announcement system. Some job vacancies posted after July 16, 2017 will be hosted by NEOGOV, while the remaining vacancies will stay on the New Jersey Civil Service Commission website until the closing date. Click on any job announcement to be directed to the appropriate site. For assistance with the NEOGOV site, please review the [NEOGOV Frequently Asked Questions](#).

To be considered eligible for a promotional announcement, **you must BE A CURRENT GOVERNMENT EMPLOYEE AND HAVE PERMANENT STATUS** within State, County or Municipal government for which you apply, **and meet all other requirements listed on the announcement** to take the examination. If you file an application and are not permanently employed by the state department, county or municipal government for which you apply, and assigned to the specific unit scope (State government) or department (County and Municipal government), you will be found ineligible and your application fee **will not** be refunded.

If you change your mailing address or email address, you must notify the CSC immediately in writing. [Click here](#).

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. For assistance [click here](#) 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 EARLY**.

Promotional Announcements for the State of New Jersey by Department:

Please choose your department:

ADMINISTRATIVE LAW	HEALTH	OFFICE OF THE SECRETARY/HIGHER EDUCATION
AGRICULTURE	HUMAN SERVICES	PALISADES INTERSTATE PARK
BANKING & INSURANCE	JUDICIARY	PUBLIC DEFENDER
CASINO CONTROL COMMISSION	LABOR & WORKFORCE DEVELOPMENT	PUBLIC UTILITIES
CHILDREN AND FAMILIES	LAW & PUBLIC SAFETY	STATE
CIVIL SERVICE COMMISSION	MILITARY & VETERANS AFFAIRS	STATE COLLEGES & UNIVERSITIES
COMMUNITY AFFAIRS	MOTOR VEHICLE COMMISSION	STATE PAROLE BOARD
CORRECTIONS	OFFICE OF HOMELAND SECURITY	TRANSPORTATION
EDUCATION	OFFICE OF INFORMATION TECHNOLOGY	TREASURY
ENVIRONMENTAL PROTECTION		

Promotional Announcements for New Jersey Counties:

Please choose your county:

ATLANTIC COUNTY	GLOUCESTER COUNTY	OCEAN COUNTY
BERGEN COUNTY	HUDSON COUNTY	PASSAIC COUNTY
BURLINGTON COUNTY	HUNTERDON COUNTY	SALEM COUNTY
CAMDEN COUNTY	MERCER COUNTY	SOMERSET COUNTY
CAPE MAY COUNTY	MIDDLESEX COUNTY	SUSSEX COUNTY
CUMBERLAND COUNTY	MONMOUTH COUNTY	UNION COUNTY
ESSEX COUNTY	MORRIS COUNTY	WARREN COUNTY

Promotional Announcements for New Jersey Municipalities:

Please select your municipality from the list below **OR** Enter your municipality name:

[[Select]]

Candidates for the subject test should have proceeded to the “Promotional Announcements for New Jersey Municipalities” section and used the pull-down menu in the “Select” box to choose “Newark City (ESSEX COUNTY).” Once candidates selected Newark, they would be taken to a screen (<https://info.csc.state.nj.us/epoa/ListMunicipal.aspx>) which listed all available promotional examinations for Newark. It is noted that after a candidate selects a promotional symbol, he or she is taken to a warning screen in order to provide the candidate with another opportunity to verify that he or she is employed by the State, department, county or municipality, as applicable, before choosing to continue.¹ If the candidate elects to continue, he or she is taken to a copy of the announcement which provides a link to begin the application process.

It is further noted that if a candidate is unclear as to how to proceed once he or she accesses the “Job Announcements” page, just below the “View Promotional Announcements here” link, a link to the “Online Application System (OAS) User Guide”² is provided to assist candidates in navigating the application process.³ Moreover, it is noted that the subject announcement, in the “Important Information” section, informed candidates:

If you are having difficulty submitting your application on-line, 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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.

Thus, if a candidate has questions or concerns regarding the application process, there are available resources, *i.e.*, the OAS User Guide and/or technical support, to assist him or her.

¹ This warning is also provided on the above noted screen pages (<https://info.csc.state.nj.us/epoa/> and <https://info.csc.state.nj.us/epoa/ListMunicipal.aspx>).

² The “Job Announcements” page, provides the following:

Promotional Announcements for Current Government Employees

A Promotional Announcement is a notification of a current or anticipated vacant position for permanent State, County or Municipal government employees.

[View Promotional Announcements here](#)

[Online Application System \(OAS\) User Guide](#)

³ Similarly, on the “Promotional Job Announcements” screen above, the “NEED HELP?” box provides links to the “OAS User Guide” and to “Job Application - Tips and Techniques.”

While the appellant argues that he had “difficulty locating the exam to register for,” the appellant does not indicate that he attempted to access the OAS User Guide or contact technical support at the above noted phone number or email address prior to the October 22, 2018 application filing deadline. In addition, although the appellant claims to have selected “Essex County” from the “Promotional Announcements for New Jersey Counties” section on the <https://info.csc.state.nj.us/epoa/> page, it is noted that Civil Service Commission promotional exams would not appear in this location. Rather, an individual would have to select the Civil Service Commission in the “Promotional Announcements for the State of New Jersey by Department” section. In addition, it is not clear why the appellant believed that the Manager 1 Civil Service Commission (PS8575C) exam was the “closest fit” to the subject exam as neither the title name nor the symbol are remotely similar. In this regard, the appellant does not provide any explanation as to why he did not seek assistance when he was unable to locate an exact match. Moreover, the appellant would have been taken to the warning screen, as noted above, once he selected the PS8575C symbol:



You must work for

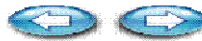
Department: CIVIL SERVICE COMMISSION

Unit: C620 DIVISION OF TEST DEVELOPMENT AND ANALYTICS

to meet the first eligibility requirement of this announcement.

If you do not meet this requirement and choose to file an application, you will be found ineligible and your application fee will not be refunded.

If you have any [questions](#) please contact your Human Resource Office.



Back

Continue

Accordingly, the appellant was clearly on notice that if he did not work for the Civil Service Commission, Division of Test Development and Analytics, and filed an application for PS8575C, he would be found ineligible. Again, the appellant provides no explanation as to why he did not stop at this point and seek assistance.

With respect to his argument that his request should be granted since the test will not be administered until February, the rules clearly indicate that in order to establish eligibility for a promotional examination, an applicant must file a timely application. This provision is necessary for the Division of Agency Services to properly process the voluminous applications for various examinations. As

indicated above, applications for the promotional examination for Police Sergeant (PM2540W), Newark, were due by the October 22, 2018 application filing deadline.

ORDER

Therefore, it is ordered that this request be denied.

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 FEBRUARY, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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