



**STATE OF NEW JERSEY**

In the Matter of Michael Newell,  
Police Sergeant (PM4662C), Ventnor

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

CSC Docket No. 2022-1123

Administrative Appeal

**ISSUED: FEBRUARY 18, 2022  
(ABR)**

---

Michael Newell requests permission to file a late application for the promotional examination for Police Sergeant (PM4662C), Ventnor.

By way of background, the subject examination was announced on October 1, 2021, with an application filing deadline of October 21, 2021, and all applications had to be received by 4:00 p.m. on that date.

The petitioner, in support of his request, states that he failed to complete an application during the application period because it was one of the more stressful, exhausting and demanding periods of his career. Specifically, during the application period, he was assigned to an overnight shift that ran between midnight and 8:00 a.m. In addition, he was required to work a number of additional shifts because of short staffing in the Ventnor Police Department. As such, he only had three days off during the month of October. He also states that during this period, a typical day would involve coming home very tired and sleeping into the evening, completing homework for college classes he was taking in pursuit of a Bachelor's degree and preparing for his midnight shift. Additionally, he advises that he was preparing to attend the Policemen's Benevolent Association (PBA) convention in San Diego, California as President of PBA Local No. 97. Moreover, he notes that he spent a significant sum on a preparatory course for the subject examination because he strives to be a leader to his fellow officers in his department. He acknowledges that he made a mistake by failing to apply for the subject examination but asks for a second chance to sign up for it because he was overwhelmed by the foregoing circumstances. In support, he submits a copy of his shift schedule for October 2021,

documentation related to his attendance at the PBA convention, and proof of his enrollment in an examination preparation course.

The appointing authority has advised that it provided the petitioner with a copy of the announcement for the PM4662C examination on October 1, 2021, and he signed a form acknowledging that he received this announcement on that date.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)4 provides that applicants for promotional examinations shall submit an application on or before the announced application filing date. This provision is necessary for Agency Services to properly process the voluminous applications it receives for various examinations. *See In the Matter of Andrew Romeo* (MSB, decided September 22, 2004). *N.J.A.C.* 4A:4-2.1(e) states that unless otherwise provided for by the Chairperson or designee, applications for open competitive and promotional examinations shall be submitted to the Civil Service Commission (Commission) no later than 4:00 p.m. on the announced application filing date.

In the instant matter, applications for the subject promotional examination were due by the application filing deadline of October 21, 2021. Although the petitioner describes an unfortunate set of circumstances, there does not appear to be a basis to relax the above-noted requirement. In this regard, the petitioner explains that due to his work schedule, coursework and other personal commitments during the application period, including attendance at a PBA convention, he was unable to complete an application. The Commission notes that the application for the subject examination was an abbreviated form. Specifically, the announcement for the PM4662C examination stated, in pertinent part:

**Please note: An abbreviated, 1-page application is being used for this announcement. No detailed information regarding your education, experience, training, etc. is required. Please do not send any additional documents (transcripts, resumes, etc.) to the NJCSC (emphasis in original).**

Additionally, the Commission observes that the personal circumstances the petitioner describes were all the types of reasonably foreseeable challenges that an incumbent in the title of Police Officer would be expected to anticipate and manage. In this regard, an incumbent in the title of Police Officer may reasonably anticipate the need to work an overnight shift and/or cover extra shifts. Moreover, the other obligations the petitioner describes, including those related to serving as a PBA President, attending a PBA convention and completing educational courses are the sorts of ongoing voluntary commitments that an applicant is reasonably expected to balance with a requirement that they file an application for an examination. As such, it cannot be said that the application requirement for the subject examination under

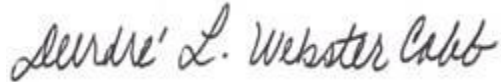
the above-noted circumstances was unduly burdensome, particularly with the three-week application window provided to applicants to file an abbreviated application for the subject examination. Accordingly, based upon the foregoing, there is not a sufficient basis to relax the above-noted requirement.

**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 16<sup>TH</sup> DAY OF FEBRUARY, 2022



---

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Michael Newell  
Division of Agency Services  
Records Center