



STATE OF NEW JERSEY

In the Matter of John Maldonado, *et al.*, Police Sergeant, various jurisdictions

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

CSC Docket Nos. 2022-1367, *et al.*

Examination Appeal

ISSUED: FEBRUARY 18, 2022 (JH)

John Maldonado (PM4542C), Elizabeth; Sean Gartland (PM4552C), Gloucester City; Timothy Lontz and Juwan Morgan (PM4553C), Gloucester Township; Victoria Vazquez (PM4580C), Linden; David Bryson (PM4588C), Magnolia; Alberto Sanabria and John Sanabria (PM4619C), Paterson; Chanel Johnson, Gregory Peterson and Joseph Weresow (PM4652C), Plainfield; Sidra Colvin, Justyna Maloney and Scott Maloney (PM4631C), Rahway; Danny Santos (PM4661C), Union Township; and Maximino Guevareiz (PM4670C), Weehawken; request that they be permitted to submit applications for the promotional examination for Police Sergeant (various jurisdictions), after the application filing deadline. These appeals have been consolidated due to common issues presented by the appellants.

By way of background, the announcements for the above noted Police Sergeant examinations were issued on October 1, 2021 with an application filing deadline of October 21, 2021 and all applications had to have been received by that date. A review of the record finds that Bryson, Gartland, Lontz and Morgan submitted applications for County Police Sergeant (PC4525C), Camden County;¹ Colvin, Johnson, Maldonado, Justyna Maloney, Scott Maloney, Peterson, Santos, Vazquez and Weresow submitted applications for County Police Sergeant

¹ The announcement for County Police Sergeant (PC4525C), Camden County, was open to Camden County employees in the competitive division who had an aggregate of three years of continuous permanent service as of the December 31, 2021 closing date and were serving in the title of County Police Officer.

(PC4660C), Union County;² Alberto Sanabria and John Sanabria submitted applications for Police Sergeant (PM4618C), Passaic;³ and Guevarez submitted an application for Police Sergeant (PM4659C), Union City.⁴ It is noted that all of the appellants submitted timely applications. The Division of Agency Services determined that the appellants were ineligible as they were not employed in the respective county or municipal departments. It is also noted that the appellants have been conditionally admitted to the requested respective examinations pending resolution of this matter.⁵ It is noted that the Police Sergeant examination is tentatively scheduled to be administered in February 2022.

On appeal, Maldonado indicates that he has been employed as a Police Officer in Elizabeth since 2017. Gartland explains that he is “currently employed by the Gloucester City Police Department in Camden County. I made the mistake of applying under the Camden County Police option thinking it covered all the municipalities.” Lontz maintains that he has worked in Gloucester Township since 2012 but he “selected the wrong title or position recently when trying to apply for the Sergeants promotional exam.” Morgan asserts that he “possibly inadvertently selected the wrong jurisdiction. I no longer work for Camden County Police Department . . . I was hired by Gloucester Township in . . . 2017 and am still employed.” Vazquez maintains that she “mistakenly chose the wrong symbol (Union County Public Exam) and should have chosen the Municipal Police Sergeant’s Exam.” Bryson indicates that he has been a Police Officer with the Borough of Magnolia since 2004. Bryson notes that upon receipt of his notice of ineligibility, he contacted the Civil Service Commission and was informed that he “accidentally signed up for the symbol PC4525C, County Police Sergeant . . .” Alberto Sanabria and John Sanabria indicate that they have been employed by the Paterson Police Department for approximately five years and four years, respectively. Johnson presents that her “intention was to register for the Plainfield Police Department (Municipality) Sergeant’s Exam since I am currently employed there . . . On my application I believe I may have mistakenly applied for the County

² The announcement for County Police Sergeant (PC4660C), Union County, was open to Union County employees in the competitive division who had an aggregate of three years of continuous permanent service as of the December 31, 2021 closing date and were serving in the title of County Police Officer.

³ The announcement for Police Sergeant (PM4618C), Passaic, was open to Passaic employees in the competitive division who had an aggregate of three years of continuous permanent service as of the December 31, 2021 closing date and were serving in the title of Police Officer.

⁴ The announcement for Police Sergeant (PM4659C), Union City, was open to Union City employees in the competitive division who had an aggregate of three years of continuous permanent service as of the December 31, 2021 closing date and were serving in the title of Police Officer.

⁵ It is noted that the appellants have submitted applications for their respective intended symbols and the required application processing fee.

Police Sergeant's Exam – Symbol PC4660C. This is my first time qualifying and applying for the Sergeant's examination." Peterson notes that "while completing my application I selected the county I work in (Union County). It is unknown to me whether it was a system error or an oversight, however my application did not designate to my municipality, Plainfield Police Department . . ." Weresow contends that "while applying for the Sergeant exam, I made the mistake of applying for the County Police Sergeant Exam. I followed the instructions given by my department on how to apply to take the exam, however I must have entered the wrong code when applying . . . I have been employed by the City of Plainfield Police Department since January 6th of 2016." Colvin indicates that "when I submitted by application, the wrong jurisdiction was selected in error. I'm currently a detective with the Rahway Police Department and have been employed with Rahway Police for 8 years." Justyna Maloney and Scott Maloney assert that they "accidentally cho[ose] the wrong symbol as [the ineligibility] notification lists the jurisdiction as Union County and the title as County Police Sergeant . . . This is incorrect as I am employed by the Rahway Police Department . . ." Santos explains that "it seems that my application back in October was for the Union County Sergeant's exam and not for the Township of Union Sergeant's exam . . . This error could have occurred because I work for the Township of Union which is located in Union County." Guevarez indicates that on his ineligibility notice, he "observed that there is an oversight on my part that showed I [applied for] the jurisdiction of Union City. However, I am employed in the Township of Weehawken for 17 years."

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. *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:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In the present matter, the subject announcements 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 examination 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:

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Civil Service Commission
P.O. Box 322
Trenton, NJ 08625

Candidates should have proceeded to the “Promotional Announcements for New Jersey Municipalities” section and used the pull-down menu in the “Select” box to choose the jurisdiction in which they are employed. Once candidates selected the appropriate jurisdiction, they would be taken to a screen (<https://info.csc.state.nj.us/epoa/ListMunicipal.aspx>) which listed all available promotional examinations for their jurisdiction. 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. 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.

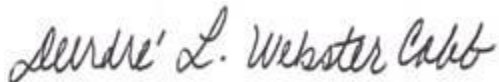
In the present matter, the appellants intended to apply for the Police Sergeant announcement issued by the respective jurisdictions in which they are employed and they successfully submitted timely applications albeit for the incorrect symbol. The Commission notes that the dual purpose of the Civil Service 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 fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Given this, good cause exists to relax the provisions of N.J.A.C. 4A:4-2.6(a)4 and allow the appellants to file applications after the application deadline for Police Sergeant (various jurisdictions). However, the Commission cautions the appellants to ensure that they apply to the appropriate promotional announcement for future examinations as this remedy will not be afforded to them in the future.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants' applications for Police Sergeant (various jurisdictions) be accepted. It is further ordered that upon determination of eligibility, the appellants be admitted to their respective examinations.

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 16TH DAY OF FEBRUARY, 2022



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c: John Maldonado (2022-1367) Gregory Peterson (2022-1385)
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Timothy Lontz (2022-1354) Sidra Colvin (2022-1460)
Juwana Morgan (2022-1405) Justyna Maloney(2022-1383)
Victoria Vazquez (2022-1459) Scott Maloney (2022-1382)
David Bryson (2022-1360) Danny Santos (2022-1461)
Alberto Sanabria (2022-1454) Maximino Guevarez (2022-1584)
John Sanabria (2022-1479) Division of Agency Services
Chanel Johnson (2022-1364) Records Center