



STATE OF NEW JERSEY

In the Matter of Javier Rosario,
County Correctional Police Sergeant
(PC4825C), Hudson County

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

CSC Docket No. 2022-1402

Administrative Appeal

ISSUED: May 2, 2022 (ABR)

Javier Rosario requests permission to file a late application for the promotional examination for County Correctional Police Sergeant (PC4825C), Hudson County.

By way of background, the subject examination was announced on November 1, 2021, with an application filing deadline of November 22, 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 did not learn about the subject examination announcement until December 6, 2021, when a co-worker told him that it had been announced in five consecutive lineups at the beginning of November. He explains that he was absent from the workplace during this timeframe, as he was on leave between November 1, 2021 and November 9, 2021 to attend to a personal matter. He further indicates that during the application period, he was only present in the workplace between November 10, 2021 and November 16, 2021. In support, he submits a copy of his work schedule for November 2021 and documentation which confirms that the petitioner was attending to the subject personal matter while on leave in early November 2021.

The appointing authority states that candidates were notified about the examination announcement during five consecutive roll call lineups during the period the petitioner was on leave in early November 2021, electronically via the appointing authority's PowerDMS system and on signage posted in the facility. The appointing

authority further advises that because of a glitch in the PowerDMS system related to a tour change for the petitioner, he did not receive an electronic notification about the examination announcement. The appointing authority states that it does not have any objection to granting the petitioner's request to file a late application for the subject examination.

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(b) provides:

In order to notify all employees of promotional opportunities, promotional examination announcements shall be posted on, and applications shall be made available through, the Civil Service Commission web site and may also be made available through the web sites of affected appointing authorities. If an affected appointing authority does not maintain or utilize a web site, promotional examination announcements shall be conspicuously posted by the affected appointing authority at all geographic locations within the unit scope (in State service) or department (in local service) to which the examination is open. Appointing authorities shall also ensure the notification by electronic or other means of all eligibles of the promotional examination announcement. Appointing authorities shall maintain a record of promotional examination announcement postings and the notification of eligibles of the announcement.

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 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 instant matter, applications for the subject promotional examination were due by the application filing deadline of November 22, 2021. However, the record evidences that while the appointing authority had the examination announcement posted at its facilities, notified eligibles about the examination announcement at roll call lineups and sent candidates an electronic notification about the subject examination, the petitioner did not receive the individualized notification described in *N.J.A.C.* 4A:4-2.1(b). Specifically, because of the petitioner's absence from the workplace due to a personal matter in early November 2021, he was not present for any of the five roll call lineups in which information about the announcement was conveyed to eligibles and he did not receive an electronic notification because of a glitch in the appointing authority's PowerDMS system. Moreover, the appointing

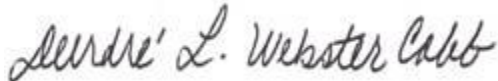
authority states that it has no objection to allowing the petitioner to file a late application for the subject examination. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)4 and allow the petitioner to file an application after the application deadline date for the County Correctional Police Sergeant (PC4825C), Hudson County examination.

ORDER

Therefore, it is ordered that this request be granted. It is further ordered that the completed application and required \$50.00 application processing fee should be forwarded to: New Jersey Civil Service Commission, Division of Agency Services, P.O. Box 322, Trenton, New Jersey 08625-0322. The completed application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Failure to file the application and processing fee within the time provided will result in rejection from the examination process. Finally, upon determination of eligibility, the petitioner be admitted to the subject 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 27TH DAY OF APRIL 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Javier Rosario
Elinor Gibney
Division of Agency Services
Records Center

APPLICATION FOR PROMOTIONAL EXAMINATION

NEW JERSEY CIVIL SERVICE COMMISSION —County and Municipal Government

\$ 50.00 FEE REQUIRED
Make Check/Money Order Payable to NJCSC

FOR COMMISSION USE ONLY

INSTRUCTIONS: Please print or type. Answer all pertinent questions and ensure that all information is accurate and complete. Sign your name in Block 11. **NOTE:** No additional information may be accepted after the last date for filing applications has passed. **If you change your address, you must notify the Civil Service Commission immediately in writing.**

Return your completed application no later than the last date for filing listed on the announcement to: NJ CSC, 44 S. Clinton Ave. PO Box 322, Trenton, N.J. 08625-0322

FOR COMMISSION USE ONLY			2. Social Security Number:	3. Symbol:
STATUS: <input type="checkbox"/>			* (see block 10 for additional information)	
SEN: <input type="checkbox"/>	UE: <input type="checkbox"/>	REV		
			4. Name & Address:	
			Last: _____ First: _____ M.I. _____	
			Street: _____	
			City: _____ State: _____ Zip Code: _____	
			E-mail address: _____	
			County: _____ Daytime Telephone: _____ <small>(Area Code) - Number</small>	
1. Title of Promotion: <p style="color: red; font-size: small;">Note: Applications must be postmarked by</p>				

5. BACKGROUND DATA

5a. Education (Indicate the highest level Diploma or Degree you have earned): <input type="checkbox"/> High School Diploma or GED <input type="checkbox"/> (A) Associate's Degree <input type="checkbox"/> (M) Master's Degree <input type="checkbox"/> (S) Some College but No Degree <input type="checkbox"/> (B) Bachelor's Degree <input type="checkbox"/> (D) Doctorate		
5b. Completion of this part is VOLUNTARY and is to be used only for complying with EEOC Guidelines and the New Jersey State Affirmative Action Program.		
Gender: <input type="checkbox"/> (1) Male <input type="checkbox"/> (2) Female	Check the group you are a member of: <input type="checkbox"/> (1) Black <input type="checkbox"/> (2) White <input type="checkbox"/> (3) Hispanic <input type="checkbox"/> (4) Asian <input type="checkbox"/> (5) American Indian or Alaskan Native	
6. Check the county in which you prefer to take the examination. <i>(Check one box only)</i> <input type="checkbox"/> (1) Camden <input type="checkbox"/> (2) Mercer <input type="checkbox"/> (3) Essex <input type="checkbox"/> (4) Monmouth <input type="checkbox"/> (6) Atlantic <input type="checkbox"/> (7) Bergen	7. Are you claiming veterans preference? <input type="checkbox"/> YES <input type="checkbox"/> NO Check YES if you are claiming veterans preference for this examination. If you have established veterans preference since April 1, 1980, no further action is needed. Otherwise, complete a veterans preference claim form and include the required documents. Claim forms are available on our web site at www.state.nj.us/csc and at our office at 44 S. Clinton Avenue, Trenton, NJ. Completed forms should be mailed to the Department of Military and Veterans' Affairs. For more information, visit their web site at www.state.nj.us/military or contact them at 1-888-865-8387.	
8. ADA Assistance: Check the box if you would like to be contacted regarding auxiliary aid or reasonable accommodation in taking this examination in accordance with the Americans with Disabilities Act. <input type="checkbox"/>		

9. Present Permanent Title & Appointment Date: <hr/> Name & Title of Immediate Supervisor: <hr/> Telephone Number & Email Address of Immediate Supervisor:	<p>* 10. Your Social Security number will be kept confidential and used as your applicant I.D. number to identify and track all of your records and transactions associated with the application and testing process. Collecting this data is permissible under NJSA 11A:4-1, but its submission is voluntary. If you do not provide the number, a unique number will be assigned to you. However, once assigned, you will be responsible for remembering it for any inquiries you may have concerning your application or testing process.</p>
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11. Signature: I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I understand that if my application is incomplete, it may be rejected. (WARNING: The Civil Service Commission may refuse to examine, or certify after examination, any applicant who makes a false statement of any material fact per NJAC 4A:4-6.2)

FOR CSC ONLY

NOTE: Your application may be released to the Appointing Authority for the purpose of verifying information with regard to your qualifications.

Signature..... Date.....