



STATE OF NEW JERSEY

In the Matter of Cristal Montiel,
Police Officer (M0029D), City of
Clifton

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

CSC Docket No. 2022-2612

Examination Appeal

ISSUED: MAY 23, 2022 (ABR)

Cristal Montiel requests that her application for the open competitive examination for Police Officer (M0029D), City of Clifton be processed.

By way of background, the subject examination was announced on January 3, 2022 with a closing date of February 28, 2022. All applications had to be received by 4:00 p.m. on the closing date. The appellant was deemed ineligible for the subject examination because she did not successfully submit her application. Specifically, her application was not processed because a fee payment was not received. A total of 402 applicants have been admitted to the subject examination, which has not yet been administered.

In support of her request to the Civil Service Commission (Commission), the petitioner indicates that she applied for the subject examination and an entry-level law enforcement examination (LEE) preparatory course on January 4, 2022. When her preparatory course later sent her an email to select a test date and location, she found that she did not have the required application confirmation number. She called this agency's Information Center on April 11, 2022 and learned that her application fee payment was not processed. She claims that she had no knowledge that her application fee payment, which she attempted to pay via debit card on January 4, 2022, was not processed until April 11, 2022. She asks the Commission to process her examination and she submits a \$35 money order for the application fee with her appeal.

A review of the Online Application System (OAS) demonstrates that the appellant completed all sections of an application for the M0029D application, with the exception of the payment portion on January 4, 2022.

CONCLUSION

N.J.A.C. 4A:4-2.17 provides, in part, that a processing fee shall be charged for each open competitive and promotional examination application and for online applications, the fee may be paid by using a credit card or e-check, or by sending a check or money order. *See N.J.A.C.* 4A:4-2.17(a) and (b). *N.J.A.C.* 4A:4-2.17(c) states that applications received without a fee shall not be processed unless the applicant submits, within the time required by written notice from the Commission, the required fee or, for open competitive applications, proof of exemption as described in *N.J.A.C.* 4A:4-2.17(d). *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, the petitioner maintains that she filed an application for the subject examination and that she did not realize that her payment was not successfully processed until April 11, 2022. It is clear that the petitioner intended to submit an application, but because of an apparent error, the application was not actually submitted nor the fee received. 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). Under these circumstances, good cause exists to relax the above-noted regulatory provisions and process the petitioner's application for the M0029D examination.¹

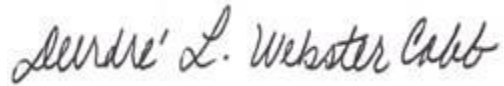
ORDER

Therefore, it is ordered that this appeal be granted and Cristal Montiel's application for the Police Officer (M0029D), City of Clifton be processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ As noted previously, the appellant provided the required processing fee on appeal.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18TH DAY OF MAY, 2022



Deirdré 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: Cristal Montiel
 Division of Agency Services