

B-24



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Christopher
Johnson, Juvenile Detention Officer
(C0606S), Middlesex County

CSC Docket No. 2016-793

Examination Appeal

ISSUED: **DEC 17 2015** (JH)

Christopher Johnson requests that he be permitted to amend his residency on his application after the closing date for Juvenile Detention Officer (C0606S), Middlesex County. It is noted that appellant passed the subject examination with a final average of 92.940 and a rank of 287.

By way of background, the subject examination was announced on July 8, 2014 with a closing date of July 29, 2014 and was open to residents of: 1) Middlesex County, 2) Mercer County, Monmouth County, Somerset County, Union County, and 3) State of New Jersey.¹ A review of the record indicates that on July 21, 2014, the appellant filed an application on which he listed a Toms River address and indicated a South Toms River Borough residency code (1529). A review of the record finds that Mr. Johnson received a provisional appointment to the Juvenile Detention Officer title in Middlesex County effective May 27, 2014.

In an appeal filed on August 7, 2015, Mr. Johnson indicates that "at the time I took my civil service test, I put down that my address was [in Toms River]." He indicates that after his father's death, his mother's medical condition required him to "tak[e] care of her [and his two younger sisters] at the Toms River address I gave you guys at the test." He explains that "during this time, I wanted my mail to go to

¹ N.J.A.C. 4A:4-3.2(a)1 provides that when an announcement is open to more than one local jurisdiction, the resulting list of eligible shall be separated into sublists by the residency requirements as provided by applicable law and ordinance.

that address even though I live [in New Brunswick]. I was back and forth between addresses from home and taking care of my mother so I thought I would receive my score faster since I was at the Toms [R]iver address a lot." He asserts that after he spoke with his supervisors at the Middlesex County Juvenile Detention Center, he discovered that he "put myself on the out of county [resident] list and I needed to get the address that I live at changed by Civil Service . . . I scored high enough for them to keep me if I am on the inner county [resident] list but they can't hire me if I am not." In support of his appeal, he provides additional documentation including: a letter dated June 25, 2015 from TD Bank indicating a New Brunswick address; a TD Bank checking account statement for the period May 18, 2015 to June 17, 2015 indicating a New Brunswick address; a New Jersey Driver's license issued on January 22, 2015, which is to expire on August 31, 2018, indicating a New Brunswick address; a New Jersey Driver's License issued on February 16, 2010, which expired on August 31, 2010 [the remainder of the year has been hole punched], indicating a New Brunswick address; an envelope from the New Jersey Department of Labor, which is not postmarked, indicating a New Brunswick address; and an envelope from the New Jersey Department of Labor and Workforce Development, which is not postmarked, indicating a New Brunswick address.

In a letter dated October 28, 2015, David Chippendale, Middlesex County Department of Corrections and Youth Services, indicates that "all of [Mr. Johnson's] Departmental paperwork included his current address which was located in New Brunswick . . . When the current list was sent to this Department I was shocked to see Mr. Johnson so low on the list. After speaking to Mr. Johnson we discovered that he placed his Mother's address on the form since he was spending extra time with her after their family tragedy. The Middlesex County Department of Corrections and Youth Services would also like to see Mr. Johnson restored to his rightful place on the Middlesex County list so that he would have the opportunity to return to the job in which he has showed the ability to perform at a high level before having to be let go since he was not obtainable on the current civil service list."

CONCLUSION

N.J.A.C. 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date. As indicated previously, the announcement clearly indicated that the closing date was July 29, 2014.

On appeal, the appellant explains that he was "back and forth" between his address in New Brunswick and his mother's address in Toms River and placed the Toms River address on his application in order to "receive [his] score faster." He indicates that, subsequently, his supervisors made him aware that his name was

not on the county resident list.² In addition, Mr. Chippendale indicates that all of the department's paperwork for the appellant indicates a New Brunswick address and the department would "like to see Mr. Johnson restored to his rightful place on the Middlesex County list."

Candidates for the subject test were required to file an online application. In the section of the application entitled, "Contact Information," candidates were required to submit their e-mail address, mailing address and residence. Specifically, under "Residence," candidates are advised, "This section is used to determine your residency code. First, find the county, and then the specific town, borough, city, or township in which you reside." While the application allows an applicant to indicate a mailing address that is different from his or her residency, neither the application nor the New Jersey Civil Service Commission Announcement and Online Application System User Guide provide a definition of "residency."³ Thus, it appears that the appellant applied his mailing address information when providing his residency. Accordingly, based on the foregoing, good cause has been established to permit the appellant to amend his application to indicate a New Brunswick residency code (1214).

² Although the appellant does not specify when he discovered that he was on the nonresident list, candidates were sent notices dated January 14, 2015 containing their scores and ranks. Mr. Johnson's name appears on the second certification issued, on February 2, 2015, from the C0606S list (Certification No. OL150131), which was returned on July 31, 2015.

³ *N.J.A.C. 4A:4-2.11(c)* provides that where residency requirements have been established in local service in addition to the New Jersey State residency requirement, residence with regard to local service requirements means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;
3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent's residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver's license, motor vehicle registration, or voter registration card and other documents is the same as the claimed legal residence. Post office box numbers shall not be acceptable; and
6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.

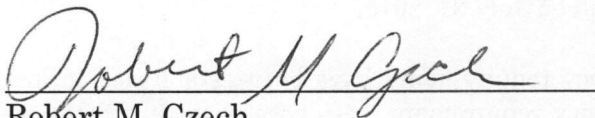
It is noted that while the appellant provides documentation dated prior⁴ and subsequent to the closing date, he does not provide any documentation to demonstrate his residency as of the July 29, 2014 closing date. Accordingly, the Commission emphasizes that it is not making a determination of the appellant's residency but rather that the appellant made a request to change the residency code on his application. In this regard, it is noted that each jurisdiction has its own residency requirement, which must be met by the closing date. The Civil Service Commission does not have authority over the establishment of this requirement. Some jurisdictions only require candidates to be residents as of the closing date, while others also require that residency be maintained up to the date of appointment. See *N.J.A.C. 4A:4-2.11(c)*. The appointing authority may, at its discretion, investigate the appellant's residency as part of a background check conducted prior to making any appointment.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be amended to indicate a New Brunswick residency code and the appellant be considered prospectively for future appointment opportunities.

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
THE 16TH DAY OF DECEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

⁴ It is noted that a review of the record finds that the appellant indicated a Jackson address and residency code for the following examinations: the Entry Level Law Enforcement Examination (S9999M), closing August 31, 2010, and the Entry Level Law Enforcement Examination (S9999R), closing September 4, 2013.

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