



STATE OF NEW JERSEY

In the Matter of Vilma Plaza, Police
Sergeant (PM2540W), Newark

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2019-2155

Reconsideration Request

ISSUED: July 1, 2019 (JH)

Vilma Plaza requests reconsideration of the final administrative determination in *In the Matter of Thomas Del Mauro, et al., Police Sergeant* (CSC, decided February 6, 2019). A copy of that decision is attached hereto and incorporated herein.

As provided in the original decision, the announcement for the Police Sergeant examination was issued on October 1, 2018 with an on-line application filing deadline of October 22, 2018 and all applications had to have been submitted by that date. On appeal, Plaza indicated that “for the last couple of months I’ve experienced several tour changes leading to exhaustion, and emotional family matters” while taking a test preparation class. She “blame[d] human error for mistaking the deadline date” as she “truly understood and remembered October 27, 2018 for some reason.” The Commission noted that while it is unfortunate that Plaza misremembered the application filing deadline, the rules clearly indicate that in order to establish eligibility for a promotional examination, an applicant must file a timely application. This provision is necessary for the Division of Agency Services to properly process the voluminous applications for various examinations. As such, the Commission denied her appeal.

In her request, Plaza presents that while she “understand[s] there is a timely order to applying for the eligibility of taking the promotional examination and I missed it for the reasons stated originally, I would like to add that I really need to take this exam. I can’t give up without exhausting any and every chance I might get.” She notes that her three children “attribute their so-far successes to me” and

"I have taught them to persevere, to work hard . . . encouraged them to never quit!" She maintains that her "friend . . . signed up to take the promotional exam . . . [but] she changed her mind . . . [and] told me to take her spot if you allow it!" She adds that she has "been on this job 18 years this year . . . I'm more ready than ever! I want my kids to continue to be proud of their mom . . . I've never been suspended and I know I'd be a great boss!"

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error occurred or present new evidence or additional information which would change the outcome of the case and the reasons that such evidence was not presented during the original proceeding.

In the present matter, the appellant has failed to meet the standard for reconsideration. The appellant does not present new evidence or additional information which was not presented at the original proceeding which would change the outcome of the original decision, nor has the appellant proven that a clear material error has occurred in the original decision. Accordingly, based on the record presented, the appellant has failed to support her burden of proof in this matter.

As noted in the original decision, applications for the promotional examination for Police Sergeant (PM2540W), Newark, were due by the October 22, 2018 application filing deadline. In this regard, *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. The subject announcement, in the "Important Information" section, informed candidates: "Only on-line applications will be accepted. **Applications must be completed and submitted by 4:00 PM on the application deadline date.**" Although the appellant described an unfortunate set of circumstances in her original appeal, she did not provide a sufficient basis to relax the above noted requirement. Moreover, she has not provided persuasive evidence that she was unable to comply with the filing deadline in her reconsideration request.

A thorough review of the record indicates that the appellant has failed to support her burden of proof in this matter.

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 26TH DAY OF JUNE, 2019

Deirdre L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Vilma Plaza
Michael Johnson
Records Center



STATE OF NEW JERSEY

In the Matter of Thomas Del Mauro,
et al., Police Sergeant (various
jurisdictions)

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2019-1244, *et al.*

Examination Appeal

ISSUED: February 11, 2019 (JH)

Thomas Del Mauro, Marilyn Gonzalez, Pablo Gonzalez and Vilma Plaza (PM2540W), Newark; and Jorge Garcia (PM2544W), Paterson; request that they be permitted to submit applications for the promotional examination for Police Sergeant (various jurisdictions) after the application filing deadline.

By way of background, the announcement for the Police Sergeant examination was issued on October 1, 2018 with an on-line application filing deadline of October 22, 2018 and all applications had to have been submitted by that date. It is noted the subject test is tentatively scheduled to be administered February 2019.

On appeal, Del Mauro indicates that he works from 5:00 p.m. to 1:00 a.m. and "while attempting to log into the application site and apply, I was kicked off multiple times and was unable to get my application in on time. I made two attempts from work at approximately 10:15 p.m. and then again at 11:15 p.m. on October 22, 2018."

Marilyn Gonzalez contends that she received "multiple error messages" while attempting to submit her application on October 10, 15 and 22, 2018. Specifically, she indicates that she received "error denied" messages and "attempted to log on to the website at which time I continue[d] to receive the same messages."

Pablo Gonzalez presents that he received "multiple error messages" while attempting to submit his application on October 14, 19 and 22, 2018. Specifically,

he asserts that he received “error denied, reset password” messages and “attempted to reset my password at which time I continue[d] to receive the same messages.”

Plaza maintains that “for the last couple of months I’ve experienced several tour changes leading to exhaustion, and emotional family matters” while taking a test preparation class. She “blame[s] human error for mistaking the deadline date” as she “truly understood and remembered October 27, 2018 for some reason.”

Garcia indicates that “on September 29, 2018[,] I was notified by my military sergeant that I w[ould] have to prepare for infantry school which took place on October 9, 2018 through October 25, 2018 . . . [B]ecause of the short notice from the National Guard, it was crucial for me to plan ahead for my family and . . . myself . . . This situation, along with my work schedule made it nearly impossible to complete any other tasks before my departure on October 9, 2018.” In support of his appeal, Garcia provides additional documentation including orders issued by the State of New Jersey Department of Military and Veterans Affairs dated October 3, 2018 regarding training for the period from October 11, 2018 through October 25, 2018.

CONCLUSION

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:4-6.3(b) provides that the appellant in an examination appeal shall have the burden of proof.

In the present matter, with respect to Del Mauro, he indicates that he attempted to file his application at 10:15 p.m. and 11:15 p.m. on the application filing date. However, the subject announcement, in the “Important Information” section, informed candidates: “Only on-line applications will be accepted. **Applications must be completed and submitted by 4:00 PM on the application deadline date.**” See *N.J.A.C.* 4A:4-2.1(e).

With regard to Marilyn Gonzalez and Pablo Gonzalez, the subject announcement, in the “Important Information” section, informed candidates:

If you are having difficulty submitting your application on-line, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday-Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.state.nj.us or call (609)292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.

In this regard, neither appellant has provided any evidence that they contacted technical support at the above noted phone number or email address prior to the October 22, 2018 application filing deadline.

With respect to Plaza, while it is unfortunate that she misremembered the application filing deadline, the rules clearly indicate that in order to establish eligibility for a promotional examination, an applicant must file a timely application. This provision is necessary for the Division of Agency Services to properly process the voluminous applications for various examinations. As indicated above, applications for the promotional examination for Police Sergeant (PM2540W), Newark, were due by the October 22, 2018 application filing deadline.

Regarding Garcia, it is noted that the appointing authority was contacted regarding this matter and provided a time sheet which indicated that Garcia was at work on September 17 through 20, 25 and 26 and on October 3 through 5 and that he was on leave beginning October 6, 2018 and returned to work on October 30, 2018. The appointing authority also indicated that the subject announcement was posted on September 17, 2018¹ on the police department's Document Management System (DMS) which is used to distribute all communications, *e.g.*, memoranda and orders. The appointing authority explained that all officers are required to check the DMS daily and that officers electronically sign once they have read a document. In this regard, the appointing authority noted that Garcia did not sign/read the PM2544W announcement until November 5, 2018. As such, candidates were aware as early as September 17 that they could apply for the subject test beginning October 1, 2018. Furthermore, it is noted that the online applications, which could be submitted from any device that supports Microsoft Internet Explorer 10+, only required minimal time and information to complete.² Under these circumstances, Garcia has not provided persuasive evidence that he was unable to comply with the filing deadline.

ORDER

Therefore, it is ordered that these requests be denied.

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

¹ It is noted that online applications were not available to candidates until October 1, 2018.

² In this regard, the subject announcement indicated that "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."

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF FEBRUARY, 2019

Deirdre L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries and Correspondence	Christopher S. Myers Director Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit P.O. Box 312 Trenton, New Jersey 08625-0312
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c: Thomas Del Mauro (2019-1244)
Marilyn Gonzalez (2019-1263)
Pablo Gonzalez (2019-1264)
Vilma Plaza (2019-1374)
Jorge Garcia (2019-1616)
Michael Johnson
Kelly Glenn
Records Center