



**STATE OF NEW JERSEY**

In the Matter of Peter Hagerty,  
Police Sergeant (PM0805V),  
Hammonton

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

CSC Docket No. 2018-844

Examination Appeal

**ISSUED: October 24, 2017 (JH)**

Peter Hagerty requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM0805V), Hammonton, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on July 1, 2017 with an application filing deadline of July 21, 2017 and all applications had to have been received by that date. It is noted the subject test is scheduled to be administered on October 28, 2017.

On appeal, Mr. Hagerty indicates that he was on leave from April 13, 2017 until August 1, 2017. He notes that he checked his “assigned town email account . . . @townofhammonton.org from time to time to make sure I was not missing any important messages from the town. I was not required by my Chief or immediate supervisor to come to the police station during this time.” He explains that when he returned to work “there was no announcement for the Sergeant Exam posted and the only announcement posted on the board was for Captain and Lieutenant Exam[s] . . . All the prior announcements for the Sergeant Exam since I transferred here in 2005 had always been posted and stayed on the board long past the actual test date.” He further explains that on August 17, 2017, he was asked by one of his co-workers if he was taking the Police Sergeant exam and the co-worker “stated that someone took the announcement down a few days after it was posted. That night I checked my town assigned email [account] . . . and did not see the announcement email or any other emails from . . . the Town Clerk. I remembered I had an email I used as the PBA Shop Steward, . . .@yahoo.com[,] . . . to send and

receive emails from the town clerk's office and union members while I was shop steward from 2010 to 2011. I never closed the email account but also never looked at it after resigning as the shop steward. When I finally remembered the password to the account[,] I located the email from . . . [the] Town Clerk . . ." He argues, "I would expect a promotional announcement would have been sent to my town assigned email and not to a personal email account . . . I also feel that the Chief of Police or the town clerk should have contacted me when the announcement was sent since both knew I was out on work[ers'] compensation." In support of his appeal, he provides additional information, including a time card report from February 15, 2017 through August 7, 2017; an email sent June 27, 2017 from the Municipal Clerk/Registrar to various individuals including the appellant, using his yahoo.com email account address, regarding the subject test announcement, and emails from Frank Zuber, Town of Hammonton, to the Division of Agency Services, on behalf of the appellant.

## CONCLUSION

*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) provides, in part, that applications for promotional examinations shall be filed no later than 4:00 p.m. on the announced filing date.<sup>1</sup>

In the present matter, Mr. Hagerty was on leave during the entire filing period for the subject examination. During that time, he anticipated that any work-related matters would be sent to his assigned town email account and as a result, monitored that account. For reasons that are unclear in the record, Hammonton sent the subject announcement to a yahoo email account, which Mr. Hagerty

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<sup>1</sup> It is noted that effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to substitute the former deadline of "11:59 p.m." to "4:00 p.m."

indicates that he had previously used for union related matters, rather than to Mr. Hagerty's assigned town email account.

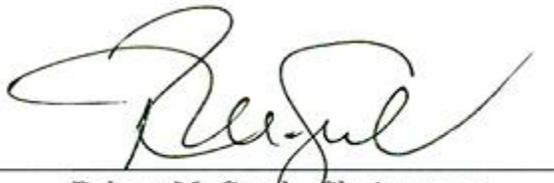
Accordingly, based on equitable grounds, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-2.1(e) and permit Mr. Hagerty to file an application.

**ORDER**

Therefore, it is ordered that this appeal be granted and the appellant's application be accepted and reviewed for eligibility.

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 18TH DAY OF OCTOBER, 2017



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Robert M. Czedz, Chairperson  
Civil Service Commission

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