



STATE OF NEW JERSEY

In the Matter of Christopher Baker,
Police Sergeant (PM2041V), Jersey
City

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

CSC Docket No. 2018-464

Examination Appeal

ISSUED: October 24, 2017 (JH)

Christopher Baker requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM2041V), Jersey City, 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 on-line 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. Baker, in a sworn statement, explains that his “current assignment is a very complicated one within the law enforcement community” as he is a Forensic Reverse engineer for the Jersey City Police Department and assigned to the State Police Cyber Crimes Division as well as the United States Secret Service Electronic Crimes Unit. He indicates that he is frequently on assignments for extended periods of time and he cannot always use his personal computer “within the scope of my job as it would violate federal laws.” He details his assigned duties during the filing period, which included “teach[ing] 25 new JCPD Detectives in regard to digital crime scenes and cellular forensics.” He states that “while teaching on Friday morning [July 21], I was made aware of the application being posted on the internet. As I finished teaching my class at 3:30 p.m., [I] called the JCPD control room to ask about the test date and literature as I ha[d] not seen a poster or received communication up to this point.” He indicates that when he arrived home and attempted to access the application for the subject test, “it was taking very long to load . . . I then exited the page completely and reentered from

the start page to my previous destination. I was again unable to reach any page that would allow me to select and/or register for the Jersey City promotional application.” He explains that beginning at 5:19 p.m., he attempted to contact technical support several times but he was “greeted with a recorded voice” and no one picked up the line.¹ He notes that “since I was not provided any additional options to complete my application, I was forced to wait it out until Monday in hopes that someone within the CSC staff would be able to see that I called and emailed due to the technical error.” Upon contacting staff, he was informed that the Division of Information Technology and Management concluded that “there was no interruption to the Civil Service Commission website or the On-line Application System on Friday, 7/21/17.” He states that his “extensive training and certifications within the technical field dispel the observation made by the IT department as false . . . It is a well-known fact that when a server is overrun by too many users or requests, it cannot handle the traffic and becomes unresponsive or forces users to wait in line to access content or will not honor their request. Again, this type of problem would not show up by simply checking if the site was down.” In support of his appeal, he submits additional documentation, including email correspondence with Commission staff sent July 24, 2017 and July 25, 2017 and T-Mobile phone usage records from July 21, 2017 to July 25, 2017.

CONCLUSION

Prior to July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) provided, in part, that applications for promotional examinations shall be filed no later than 11:59 p.m. on the announced filing date. However, effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to substitute “4:00 p.m.” for “11:59 p.m.”

In the present matter, Mr. Baker has submitted a signed sworn statement that he attempted to file an application after 4:00 p.m. on the filing deadline but he was unable to do so. It is not clear from the record, whether applications for the subject test were available after 4:00 p.m. on the filing deadline. Given that the amendment went into effect four days prior to the filing deadline and candidates were not informed of this change, it would not be appropriate to require candidates to file by 4:00 p.m.

The Commission is willing to accept that if Mr. Baker is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will accept Mr. Baker’s statement that he was unable to access the subject on-line application after 4:00 p.m. on the filing deadline, July 21, 2017.

¹ As indicated on 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.”

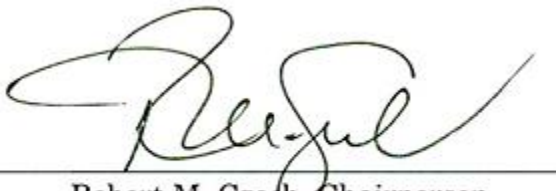
Accordingly, good cause has been presented to relax the provisions of *N.J.A.C. 4A:4-2.1(e)* and permit Mr. Baker to file an application.

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

A handwritten signature in black ink, appearing to read 'R. Czedo', is written over a horizontal line.

Robert M. Czedo, Chairperson
Civil Service Commission

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