



STATE OF NEW JERSEY

In the Matter of Allan Bilinski, Police Captain (PM0652V), Marlboro	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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CSC Docket No. 2018-433	:	Examination Appeal
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ISSUED: October 13, 2017 (JH)

Allan Bilinski requests that he be permitted to submit an application for the promotional examination for Police Captain (PM0652V), Marlboro, 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 5, 2017. It is further noted that the appellant was conditionally admitted to the subject examination.

On appeal, Mr. Bilinski indicates that on June 30, 2017, the Chief of Police sent an email “to all those eligible advising them” of the subject announcement. However, Mr. Bilinski presents that he “did not see that communication, for the very next day I was away on vacation. It was not until July 23, 2017 that I actually saw that email.” He maintains that he “stop[ped] by the department’s break room on several occasions” but the break room notification board did not contain any promotional announcements. He explains that “in years past, the promotional announcements were placed in this notification board . . . My chief advised me that the Civil Service promotional announcement was not posted in the break room notification board because his executive assistant was on vacation when his email was issued on June 30th.” He adds that “while H.R.’s response that the promotional announcement was posted in the ‘break room,’ it should be noted that it was posted in the Municipal Office Staff’s break room. This is located on the other side of the building . . . Our police officers do not go over to the Administrative offices unless

you are assigned to the administrative section of command. All communication to the other side goes through our chain of command. I believe I was in the break room on the other side just once in the 17 years I've been working in Marlboro Township." In support of his appeal, Mr. Bilinski provides additional information including a letter dated July 28, 2017 from Chief Bruce Hall in which Chief Hall indicates that the subject announcement was not posted in the division's bulletin board.

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.¹

In the present matter, the Police Chief indicates that the subject announcement was not posted in the division's bulletin board. Since it does not appear that Marlboro posted the announcement in an area accessible to the Police Department, the regulatory requirement was not met. As such, the appointing authority has not clearly demonstrated that the appellant was notified of the subject examination pursuant to *N.J.A.C.* 4A:4-2.1(b).

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

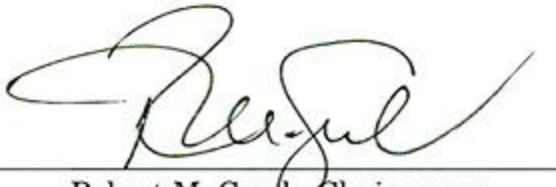
¹ It is noted that effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to indicate that applications shall be filed not later than "11:59 p.m." to "4:00 p.m."

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 4TH DAY OF OCTOBER, 2017



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