



STATE OF NEW JERSEY

In the Matter of Raymond Nelson,  
Sheriff's Officer Lieutenant  
(PC2094U), Essex County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2150

Examination Appeal

ISSUED: **MAY 19 2017** (SLK)

Raymond Nelson appeals the determination of the Division of Agency Services (Agency Services), which found that he was ineligible for the promotional examination for Sheriff's Officer Lieutenant (PC2094U), Essex County.

The subject examination was open to employees who had an aggregate of one year of continuous permanent service in the Sheriff's Officer Sergeant title as of the November 21, 2016 closing date. A total of 22 employees applied for the examination and 20 were admitted to take the test. The test administration date was May 4, 2017. The appellant's personnel record indicates that he was permanently appointed as a Sheriff's Officer Sergeant effective November 30, 2015. Thus, Agency Services found the appellant ineligible as he lacked the required amount of permanent service as of the closing date.

On appeal, the appellant presents that the test administration date for the Sheriff's Officer Sergeant (PC2153R) promotional examination was on May 8, 2014. However, due to his sister's death, he requested to take a make-up examination, which was granted. The appellant took the make-up exam on May 7, 2015 and received a passing grade. He presents that he was the first ranked eligible on certification PL151294 and was appointed as Sheriff's Officer Sergeant effective November 30, 2015. The appellant asserts that he would have been appointed as a Sheriff's Officer Sergeant on a prior certification if he had been able to take the test for that title as originally scheduled. As he is only nine days short of the time in grade requirement for service as a Sheriff's Officer Sergeant for the subject



examination, he requests that he be determined eligible for the subject examination and be allowed to take the test on the grounds that his delay in his promotion to Sheriff's Officer Sergeant was due to the unfortunate passing of his sister.

### CONCLUSION

*N.J.A.C. 4A:4-2.6(a)1* provides that applicants for promotional examinations must have one year of continuous permanent service for an aggregate of one year preceding the closing date in a title or titles to which the examination is open.

*N.J.A.C. 4A:2-1.1(b)* provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

Initially, it is noted that, on May 28, 2014, the appellant signed an Agreement to Take a Make-Up Examination for Sheriff's Officer Sergeant (PC2151R). The agreement stated that candidates who passed the make-up examination will be considered for prospective appointment and will not receive retroactive appointments. Therefore, the appellant was on notice that he would only receive a prospective appointment if he passed the make-up exam and should have filed an appeal within 20 days of May 28, 2014 if he believed he was entitled to an earlier appointment based on his circumstances. Additionally, the Civil Service Commission (Commission) notes that the requirement that applicants must have completed one-year in a lower position does not contradict the constitutional mandate that employees be promoted "according to merit and fitness" but only sets a reasonable floor at which the Commission begins to evaluate the qualifications of applicants. The Constitution does not mandate that all promotional opportunities be made available to all employees. Therefore, while the circumstances are unfortunate, the year in grade requirement cannot be relaxed as the appellant must have actually served in and performed the duties of the Sheriff's Officer Sergeant title during the requisite year in grade in order to be eligible. *See In the Matter of Peter Corbo*, Docket No. A-2275-12T2 (App. Div. October 20, 2014). *See also In the Matter of Albert Giordano* (MSB, decided January 26, 2005).

Accordingly, based on the foregoing, the appellant has not met his burden of proof, and has not provided a basis to disturb the determination of the Division of Agency Services.

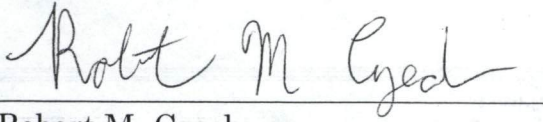
### ORDER

Therefore, it is ordered that this appeal 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 17<sup>th</sup> DAY OF MAY, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

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and  
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c: Raymond Nelson  
Kelly Glenn  
Records Center



NEW JERSEY CIVIL SERVICE COMMISSION  
COUNTY AND MUNICIPAL GOVERNMENT SERVICES  
**PROMOTIONAL ANNOUNCEMENT**



**\$50.00 PROCESSING FEE REQUIRED**  
Make Check/Money Order Payable to NJCSC

SYMBOL: PC2094U	WEIGHT CODE: 03
TITLE: SHERIFFS OFFICER LIEUTENANT	SALARY: ** See Below
ISSUE DATE: November 01, 2016	CLOSING DATE: November 21, 2016
TITLE CODE: 03699/ KGFG3	JURISDICTION CODE: N07000019
JURISDICTION: ESSEX COUNTY	
DEPARTMENT: SHERIFF	

Visit [www.state.nj.us/csc](http://www.state.nj.us/csc)  
And select "Job Announcements"  
to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Sheriff's Officer Sergeant 03700

**Examination Date:** The examination is tentatively scheduled to be administered in May 2017. Applicants admitted to the examination will be mailed notice(s) of the date, time and place of the examination at least two weeks prior to the test date. Appointing Authorities will also be notified of the test date, and the test date will be posted on the Civil Service Commission website.

**Note:** Please refer to our website [http://www.state.nj.us/csc/seekers/jobs/safety/proLaw\\_enforce\\_opp.html](http://www.state.nj.us/csc/seekers/jobs/safety/proLaw_enforce_opp.html) for information regarding the Orientation Guide for this promotional examination. The Orientation Guide will assist you in preparing for the promotional examination.

Applicants who are unable to access the Orientation Guide can request a copy of the guide by sending an email with your name, mailing address, and title/symbol to [OrientationGuides@csc.nj.gov](mailto:OrientationGuides@csc.nj.gov). Enter "Orientation Guide" in the subject line.

\*\*Please contact your Personnel Office for current salary information.

**Please note:** 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.

**Make-up Examinations:** Requests for make-up examinations based on medical grounds for public safety promotional exams must include a New Jersey Civil Service Commission Authorization for Public Safety Make-Up Examination Form.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the department indicated above. If you do not know your department, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the department indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, 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](mailto: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.
8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A \* Revised 03/09