



STATE OF NEW JERSEY

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

In the Matter of George Torres,
Police Lieutenant (PM2013W)
Newark

Examination Appeal

CSC Docket No. 2019-1088

ISSUED: December 20, 2018 (RE)

George Torres, represented by Bette Grayson, Esq., appeals the denial by the Division of Agency Services (Agency Services) of his request to file a late application for the promotional examination for Police Lieutenant (PM2013W) Newark.

The subject examination was announced on July 1, 2018, and the application deadline date was July 23, 2018. Only on-line applications were accepted, and the appellant did not submit one. Eighty-one candidates were admitted, the multiple-choice portion of the examination has been administered. Final results are not yet available.

The appellant states that he was overwhelmed with emotional and time demands due to his father's medical issues and death in December 2017. He states that his schedule was very busy with work and as President of the Hispanic Law Enforcement Society, but he increased his care for his mother. Commencing July 11, 2018, he took a leave of absence to handle various issues, but he indicated that he signed for receipt of a notification of the examination and his intention to take it, and enrolled in a review course to prepare for the test. He returned from vacation on August 14, 2018 and states that he was stunned and dismayed to learn that he had to file an application for the examination. At that point, he spoke to his Public Safety Director and the appointing authority and requested to be allowed to take the examination.

In response to an appointing authority inquiry, Agency Services indicated that the announcement and the link to the online application were available 24 hours each

day during a 23-day posting period. The announcement also included the statement that as of August 1, 2017, applications must be completed and submitted by 4:00 PM on the application deadline.

N.J.A.C. 4A:4-2.1(e) provides, in pertinent part, that applications for open competitive and promotional examinations should be filed no later than the announced filing date for filing applications.

CONCLUSION

The appellant was not admitted to the subject examination since he did file an application by the closing date. The examination filing period was from July 1 to 23, 2018, and as such, candidates had three weeks to file an application, at any time of the day, and 81 candidates met the deadline. Personal computers are ubiquitous, and the appellant could have filed an application online from anywhere there is Internet service. Additionally, the announcement was posted on the Commission's website, was posted at the job location, and the police department notified the appellant of his eligibility. Next, the appellant does not provide any evidence of a medical condition which prevented him from filing an application. Also, the Commission provides extensive instructions on how to file an application in the document *Announcement and Online Application System User Guide*, available in its website. The filing an application for this examination should not have come as a surprise, as the appellant was required to file an application for his entry position as a Police Officer, and he filed for three examinations for Police Sergeant and was promoted from Police Sergeant (PM5107M), Newark. It is the candidate's responsibility to check for announced postings for which the individual might be eligible, and to file applications for those examinations. The appellant has not proved that an error has been made, nor has he submitted an application, prior to the July 23, 2018 closing date. The appellant has not met his burden of proof in this matter.

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 19th DAY OF DECEMBER, 2018



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

c: George Torres
Bette Grayson, Esq.
Kecia Daniels
Kelly Glenn
Records Center