



STATE OF NEW JERSEY

In the Matter of Alexander Santiago,	:	FINAL ADMINISTRATIVE ACTION
Entry Level Law Enforcement	:	OF THE
Examination (S9999U)	:	CIVIL SERVICE COMMISSION
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CSC Docket No. 2018-34	:	Examination Appeal
	:	

ISSUED: May 24, 2018 (JH)

Alexander Santiago requests that he be permitted to amend his residency on his application after the closing date for the Entry Level Law Enforcement Examination (S9999U). It is noted that appellant passed the subject examination with a final average of 86.500 and a rank of 13,219.

By way of background, the subject examination was announced on July 1, 2016 with a closing date of August 31, 2016. A review of the record indicates that on July 1, 2016, the appellant filed an application on which he listed a Passaic address and indicated a Montvale residency code (0236).

On appeal, the appellant indicates that “the residency section on the [notification of eligibility] is incorrect and needs to be changed to Passaic[,] Passaic County.”

CONCLUSION

N.J.A.C. 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date. As noted previously, the announcement indicated that the closing date was August 31, 2016.

Candidates for the subject test were required to file an online application. In the section of the application entitled, “Contact Information,” candidates were required to submit their e-mail address, mailing address and residence. Specifically, under “Residence,” candidates are advised, “This section is used to

determine your residency code. First, find the county, and then the specific town, borough, city, or township in which you reside.” While the application allows an applicant to indicate a mailing address that is different from his or her residency, neither the application nor the New Jersey Civil Service Commission Announcement and Online Application System User Guide provide a definition of “residency.”¹ In the present matter, the appellant is essentially requesting to have his residency code agree with the mailing address he indicated on his application. As such, the appellant should be permitted to amend his application to indicate a Passaic residency code (1607).

The Commission emphasizes that it is not making a determination of the appellant’s residency but rather that the appellant made a request to change the residency code on his application. In this regard, it is noted that each jurisdiction has its own residency requirement, which must be met by the closing date. The Civil Service Commission does not have authority over the establishment of this requirement. Some jurisdictions only require candidates to be residents as of the closing date, while others also require that residency be maintained up to the date of appointment. *See N.J.A.C. 4A:4-2.11(c)*. The appointing authority may, at its discretion, investigate the appellant’s residency as part of a background check conducted prior to making any appointment.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant’s application be amended to indicate a Passaic residency code and the appellant be considered prospectively for future appointment opportunities.

¹ *N.J.A.C. 4A:4-2.11(c)* provides that where residency requirements have been established in local service in addition to the New Jersey State residency requirement, residence with regard to local service requirements means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;
3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent’s residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver’s license, motor vehicle registration, or voter registration card and other documents is the same as the claimed legal residence. Post office box numbers shall not be acceptable; and
6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.

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 23RD DAY OF MAY, 2018

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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