



STATE OF NEW JERSEY

In the Matter of Gerald Quaglia,
Police Captain (PM0885A), Point
Pleasant Beach

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

CSC Docket No. 2020-585

Examination Appeal

ISSUED: September 26, 2019 (JH)

Gerald Quaglia requests that he be permitted to submit an application for the promotional examination for Police Captain (PM0885A), Point Pleasant Beach, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on July 1, 2019 with an application filing deadline of July 22, 2019 and all on-line applications had to have been received by that date. It is noted the Police Captain test is scheduled to be administered on October 10, 2019. A review of the record finds that no applications were filed and the PM0885A exam was cancelled.¹

On appeal, Quaglia explains that the Chief of Police “advised me that since I was the only candidate eligible, I would not be required to file for and take the Civil Service test for that position. Absent that conversation, I would have certainly filed prior to that date had I’d known that was required.” In support of his appeal, the appellant submits a letter from Joseph A. Michigan, Chief of Police, Point Pleasant Beach, in which Chief Michigan presents that Quaglia “is the only person who holds that rank of Lieutenant in the police department. Upon announcement of the Captain’s exam I informed Lt. Quaglia to disregard the announcement, and that he did not have to worry about taking an exam, due to him being the only person eligible for the position. I now realize that this was not accurate and he in fact needed to register to take the exam.”

¹ A review of the record finds that Quaglia is the only Police Lieutenant currently serving in Point Pleasant Beach.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides, in part, that applications for promotional examinations shall be submitted no later than 4:00 p.m. on the announced application filing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant in an examination appeal shall have the burden of proof.

In the present matter, while the appellant received notification of the subject test, the Police Chief, for reasons that are unclear, advised the appellant that it was not necessary to file an application.² Furthermore, the record establishes that the examination situation is not competitive. Accordingly, good cause has been presented to relax the provisions of *N.J.A.C.* 4A:4-2.1(e) and permit the appellant to file an application, a copy of which is enclosed. The completed application and required \$75.00 application processing fee should be forwarded to: New Jersey Civil Service Commission, Division of Agency Services, P.O. Box 322, Trenton, New Jersey 08625-0322. The completed application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Failure to file the application and processing fee within the time provided will result in rejection from the examination process.

ORDER

Therefore, it is ordered that this request be granted and the appellant's application for the for Police Captain (PM0885A), Point Pleasant Beach, examination be accepted, contingent upon timely receipt of the completed application and processing fee.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

² It is noted that the Civil Service Commission does not require individuals who may be eligible for a promotional announcement to apply for and take a promotional test. Rather, the decision as to whether to avail himself or herself of a promotional opportunity rests with the individual. Thus, the application is a required part of the promotional process as it is the means by which a prospective candidate indicates his or her interest in a promotional opportunity. Furthermore, the application is reviewed by the Civil Service Commission to ensure that applicants meet the minimum experience requirements for the position. As such, an interested candidate is not exempt from the application process regardless whether he or she is, *e.g.*, the only potential eligible, a provisional appointee (*see N.J.A.C.* 4A:4-1.5(b)) or is anticipating a waiver of examination (*see N.J.A.C.* 4A:4-2.7).

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 25TH DAY OF SEPTEMBER, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries	Christopher S. Myers
and	Director
Correspondence	Division of Appeals and Regulatory Affairs
	Civil Service Commission
	Written Record Appeals Unit
	P.O. Box 312
	Trenton, New Jersey 08625-0312

c: Gerald Quaglia (with blank application enclosure)
Eileen Farrell
Michael Johnson
Kelly Glenn
Records Center