



**STATE OF NEW JERSEY**

In the Matter of Alejandro Madera,  
 Sheriff's Officer Sergeant (PC1559A),  
 Essex County

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

CSC Docket No. 2020-2329

Examination Appeal  
 (Corrected Decision)

**ISSUED: AUGUST 25, 2020 (JH)**

Alejandro Madera requests that he be permitted to submit an application for the promotional examination for Sheriff's Officer Sergeant (PC1559A), Essex County, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on November 1, 2019 with an application filing deadline of November 21, 2019 and all on-line applications had to have been received by that date.<sup>1</sup>

On appeal, Madera, in a sworn statement, presents that he was on vacation from October 31 through November 5, 2019; at work from November 12 through November 15, 2019; and on military leave from November 16 through November 22, 2019. He maintains that at "some time on November 15, 2019, the ECSO issued Sheriff's Special Order 2019-25 to advise the Employees of the Promotional Exam." He notes that subsequently on November 18, 2019, a departmental email was sent to command staff notifying them of the promotional announcement. He argues that "at no time during my three days of working did the Department notify me of the Promotional Exam, nor did they publicly post the announcement or email the announcement to me in my Department or personal email since I was out during that timeframe and the Department was fully aware as it was all documented in writing

<sup>1</sup> It is noted the subject test was tentatively scheduled to be administered in May 2020. However, as noted in the April 2020 Law Enforcement status report, and in subsequent reports, which are available on the Commission website, due to concerns relating to the novel coronavirus, COVID-19, all Civil Service testing has been postponed until further notice.

. . .” In support of his appeal, he provides additional documentation including an Essex County Sheriff’s Special Order Memo #2019-25 dated November 15, 2019 which indicates that the promotional announcements for Sheriff’s Officer, Sheriff’s Officer Sergeant, and Sheriff’s Officer Lieutenant were available and “eligible candidates must file by November 21, 2019;” a copy of Essex County Sheriff’s Office Time Activity Report for the period “1/1/2019 through 12/31/19” which indicates that Madera was on vacation November 1, 2019, on administrative leave on November 4, 2019, on paid holiday on November 5 and November 11, 2019, and on military leave from November 6 through 8, 2019 and from November 18 through November 22, 2019. It is noted that in an email sent on January 23, 2020 from Chief James R. Spango, Business Administrator, Essex County Sheriff’s Office to the Division of Agency Services, Chief Spango indicated that the Sheriff’s Office notifies eligibles “via memorandum which is distributed to the entire department.”

## 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.

In the present matter, Madera has submitted a signed sworn statement that he was not notified of the subject test prior to the November 21, 2019 application filing deadline. He indicates, in part, that “at no time during my three days of working [on November 12 through November 15, 2019] did the Department notify me of the Promotional Exam, nor did they publicly post the announcement or email the announcement to me in my Department or personal email . . .” The Commission is willing to accept that if the appellant is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will

accept the appellant's statement that he was not notified of subject test prior to the filing deadline, November 21, 2019.

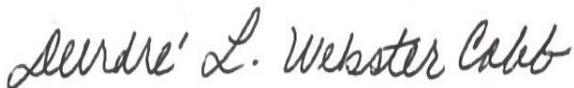
Accordingly, good cause has been presented to relax the provisions of *N.J.A.C.* 4A:4-2.1(e) and permit the appellant to file an application. In this regard, the Division of Agency Services should send the appellant a written application upon receipt of this decision. The completed application and the required application processing fee should be forwarded within the time specified by the Division of Agency Services to: New Jersey Civil Service Commission, P.O. Box 322, Trenton, New Jersey 08625-0322. 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 appeal be granted. It is further ordered that the completed application and required \$50.00 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. Finally, upon determination of eligibility, the appellant be admitted to the subject examination.

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 29<sup>TH</sup> DAY OF JULY, 2020



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