



STATE OF NEW JERSEY

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

In the Matter of Nicholas Grotts,
Environmental Specialist 2
(PS2223G), Department of
Environmental Protection

Examination Appeal

CSC Docket No. 2021-1232

ISSUED: MAY 3, 2021 (HS)

Nicholas Grotts requests that his supplemental application processing fee for the promotional examination for Environmental Specialist 2 (PS2223G), Department of Environmental Protection be accepted and that he be admitted to the examination.

The announcement for the subject examination issued on February 1, 2020 with a closing date of February 21, 2020. The announcement required, among other things, payment of a \$25.00 application processing fee, but a reduced fee of \$15.00 applied to those who had previously established veterans preference with the New Jersey Department of Military and Veterans Affairs as defined by *N.J.S.A. 11A:5-1, et seq.* The appellant claimed veterans preference on his application and paid the reduced fee. However, he had not actually established such preference. Therefore, in a notice dated February 13, 2020, Agency Services deemed the appellant ineligible since he had not paid the full fee required. The examination resulted in an eligible list of 10 names that promulgated on February 11, 2021 and expires on February 10, 2024. The list has not been certified.

In his appeal to the Civil Service Commission (Commission), postmarked February 17, 2021, the appellant states that he paid the reduced fee in light of his service with the United States Navy, his honorable discharge therefrom, and his veteran status with the federal government. He now provides a \$10 supplemental fee payment. In support, the appellant submits, among other things, his DD Form 214. In an affidavit, the appellant attests to the following: at the time of fee payment, he was unaware that paying the reduced fee would deem him ineligible; he never

received the February 13, 2020 notice of ineligibility; and he filed the instant appeal after seeing that his name did not appear on the eligible list.

CONCLUSION

Initially, an examination eligibility appeal must be filed within 20 days of notice of the adverse action. *See N.J.A.C. 4A:4-6.6(a)1*. The appeal must be filed with an appropriate representative of the Commission as indicated on the notice advising of disqualification. *See N.J.A.C. 4A:4-6.6(a)2*. In this matter, a notice of ineligibility was sent to the appellant on February 13, 2020, and the appellant's appeal was not postmarked until February 17, 2021. However, the appellant has sworn that he did not receive the ineligibility notice and appealed after seeing that his name did not appear on the eligible list, which promulgated on February 11, 2021. As such, the Commission will accept the appeal, postmarked only six days after list promulgation, as timely filed and proceed to address the merits.

N.J.A.C. 4A:4-2.17 provides, in pertinent part, that unless the fee is reduced because the applicant is a veteran, a \$25.00 processing fee shall be charged for each promotional examination application and that applications received without a fee shall not be processed. *N.J.A.C. 4A:1-1.2(c)* provides that a rule may be relaxed for good cause shown in a particular situation.

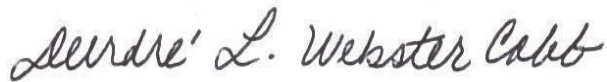
In this matter, the appellant evidently believed, albeit mistakenly, that his honorable service in the United States Navy and veteran status with the *federal* government qualified him for the reduced fee. The Commission has no reason to doubt that the mistake was originally made in good faith and that the appellant's belief was genuine. Further, in submitting his supplemental fee payment, the appellant has now acknowledged his error. Therefore, under these circumstances, the Commission finds it equitable to accept the appellant's supplemental payment and allow his application to be processed, notwithstanding that a complete eligible list of 10 names has promulgated. In this regard, the Commission is only providing the appellant with a prospective remedy, and the individuals whose names appear on the list do not have any vested rights to appointment. *See In re Crowley*, 193 *N.J. Super.* 197, 210 (App. Div. 1984) ("The only benefit inuring to such . . . person[s] is that so long as [the] list remains in force, no appointment can be made except from that list."). Moreover, the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). The appellant is, however, cautioned to provide the appropriate application processing fee with any future examination applications he may file.

ORDER

Therefore, it is ordered that this appeal be granted, Nicholas Grotts's \$10.00 supplemental payment for his examination be accepted, and his application be processed for prospective employment opportunities.

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 28th DAY OF APRIL, 2021



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