



**STATE OF NEW JERSEY**

In the Matter of Danny Frias, Tree  
Maintenance Worker 2 (PM5148C),  
Clifton

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

CSC Docket No. 2022-1708

Examination Appeal

**ISSUED: MARCH 4, 2022 (SLK)**

Danny Frias requests to file a late application for the promotional examination for Tree Maintenance Worker 2 (PM5148C), Clifton.

The examination at issue was announced with requirements that had to be met as of the December 21, 2021 closing date. A total of one employee applied and that applicant was admitted to the examination. The method of testing has yet to be determined, and therefore, the examination has not yet been scheduled and the list has not yet promulgated.

On appeal, the petitioner presents that he was on vacation from November 30, 2021 through December 31, 2021. He submits timesheets from the appointing authority which indicate that he was on vacation during this time. The petitioner indicates that the Department of Public Works posted the subject announcement by the timeclock, but he did not see it as he was not there. Further, the appointing authority mailed him the subject announcement; however, it was sent to a previous address where he no longer resides. He submits documentation to show that the appointing authority sent him certified mail to his prior address, which was unclaimed. The petitioner asserts that he meets all the requirements for the subject examination.<sup>1</sup>

<sup>1</sup> Personnel records indicate that he has been provisionally serving in the subject title since June 2021. Further, he has been permanently serving as a Tree Maintenance Worker 1 since October 2017, which is the title to which the subject examination is open.

## CONCLUSION

*N.J.A.C.* 4A:4-2.1(e) provides that applications must be filed no later than the announced filing deadline. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, the petitioner explains that he was on vacation during the time when the subject examination was announced through the closing date, which is why he did not see the announcement posted in the facility. Additionally, the appointing authority mailed the announcement to the appellant via certified mail, but the announcement was sent to his prior address and, therefore, unclaimed. The Commission notes that 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). Moreover, the examination is incomplete as there is only one applicant who was admitted, and the petitioner continues to serve provisionally in the subject title after the closing date. Therefore, the Commission finds that there is good cause to relax *N.J.A.C.* 4A:4-2.1(e) and to allow the petitioner to submit his application and application fee after the closing deadline.

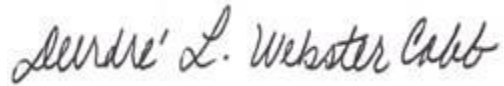
This determination is limited to the instant matter and does not provide precedent in any other matter.

## ORDER

Therefore, it is ordered that this request be granted, and the petitioner be permitted to submit an application for the Tree Maintenance Worker 2 (PM5148C), Clifton examination. It is further ordered that the petitioner submit a promotional examination application and the \$25.00 application processing fee to the Division of Agency Services. The application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that his application be processed. If the petitioner's application and the required payment are not postmarked on or before the 15<sup>th</sup> day after the issuance date of this decision, he will not be entitled to have his application reviewed.

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 2<sup>ND</sup> DAY OF MARCH, 2022



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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

c: Danny Frias  
Dominick Villano  
Division of Agency Services  
Records Center

**\$ 25.00 FEE REQUIRED**  
**Make Check/Money Order Payable to NJCSC**  
**FOR COMMISSION USE ONLY**

| FOR COMMISSION USE ONLY  |   |                   | 2. Social Security Number:                                     |  | 3. Symbol: |  |
|--|---|-------------------|--|--|------------|--|
| STATUS:<br><div><div></div><div></div></div>                               |   |                   | *<br>(see block 10 for additional information)                 |  |            |  |
| SEN:<br><div><div></div><div></div><div></div><div></div><div></div></div> | UE:<br><div><div></div><div></div><div></div><div></div><div></div></div> | REV<br><br>NO REV | 4. Name & Address:   |  |            |  |
| 1. Title of Promotion:   |   |                   | Last: _____ First: _____ M.I. _____                            |  |            |  |
|  |   |                   | Street: _____  |  |            |  |
|  |   |                   | City: _____ State: _____ Zip Code: _____                       |  |            |  |
|  |   |                   | E-mail address: _____  |  |            |  |
|  |   |                   | County: _____ Daytime Telephone: _____<br>(Area Code) - Number |  |            |  |

DPF-1B \$25 (Page 1 of 2 REVISED 07-01-10) **IMPORTANT - please complete page 2 of this application and keep a copy for your records.**

|                            |  |                |  |             |  |
|----------------------------|--|----------------|--|-------------|--|
| <b>Title of Promotion:</b> |  | <b>Symbol:</b> |  | <b>SS#:</b> |  |
|----------------------------|--|----------------|--|-------------|--|

**12. Educational Section - College And Graduate School** - List any colleges, universities, and graduate schools you have attended. If it is required in the job announcement, be sure to attach a copy of your transcript or a list of courses, course descriptions, and credits completed. Foreign degrees/transcripts must be evaluated by a recognized evaluation service.

| What is the name and location of the college(s) you attended? | What yrs. did you attend? | What was your major course of study? | What type of degree did you earn? | Did you graduate?                                     | If NO, when will you graduate? | Number of credits earned |
|---|---------------------------|--------------------------------------|-----------------------------------|---|--------------------------------|--------------------------|
|   | From: _____<br>To: _____  |                                      |                                   | <input type="checkbox"/> Y <input type="checkbox"/> N | _____<br>Month / Year          |                          |
|   | From: _____<br>To: _____  |                                      |                                   | <input type="checkbox"/> Y <input type="checkbox"/> N | _____<br>Month / Year          |                          |

**13. Other Schools or Training Courses** - Include business, vocational, technical, or military schools you have attended, as well as any training courses that are **related** to the title for which you are applying. If it is not a full-time curriculum, be specific as to the number of hours attended.

| What is the name & location of school/facility where course(s)/training was held? | What classes did you take? | What were the dates you attended?        | How many hours per week did you attend? | Did you complete the program?                         |
|---|----------------------------|--|---|---|
|   |                            | _____<br>Month/Yr. TO _____<br>Month/Yr. |   | <input type="checkbox"/> Y <input type="checkbox"/> N |
|   |                            | _____<br>Month/Yr. TO _____<br>Month/Yr. |   | <input type="checkbox"/> Y <input type="checkbox"/> N |

**14. Use this space to describe any internships, licenses, certifications or registrations that you possess which are related to the position for which you are applying.**

|   |  |
|---|--|
| <p><b>A. What type of license(s), certification(s), and/or registration(s) do you hold?</b></p> <p>_____</p> <p>In which state(s) do you hold the license(s), certification(s), and/or registration(s)? _____</p> <p><b>B. What was the original issue date of the license(s), certification(s), and/or registration(s)?</b></p> <p>_____</p> <p>What is the date of your current license(s), certification(s), and/or registration(s)? _____</p> | <p><b>C. What type of internship(s) have you completed?</b></p> <p>Where was the internship(s) completed? _____</p> <p>What were the dates of the internship(s)? _____</p> <p>How many hours per week did you take part in the internship? _____</p> <p>Was it part of a college curriculum? <input type="checkbox"/> Y <input type="checkbox"/> N</p> <p><b>D. Certified Public Manager's Program</b></p> <p>Level 1 - 3 Completed   ▶   _____<br/>Month/Year</p> <p>Level 4 - 6 Completed   ▶   _____<br/>Month/Year</p> |
|---|--|

**15. Employment Record** - If you do not properly complete your application you may be declared ineligible or you may not receive proper credit for scoring purposes. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. Since your application may be your only "test paper," be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail. If more space is needed, attach separate sheets.

|   |   |  |
|---|---|--|
| <p><b>A What is the name and address of your current employer?</b></p> <p>_____</p> <p>What dates have you been employed in this position?<br/>From _____ To _____<br/>Month/Year                      Month/Year</p> | <p><b>What is your title in this position?</b></p> <p>_____</p> <p>Is this position:<br/><input type="checkbox"/> FULL TIME?<br/><input type="checkbox"/> PART TIME?<br/>(Average No. hrs. per wk.) _____</p> <p>How many staff members do you supervise?<br/>Professional Staff _____<br/>Support Staff _____</p>    | <p>List the major duties you perform in this position in order of importance.</p> <p>_____</p> |
| <p><b>B What was the name and address of your previous employer?</b></p> <p>_____</p> <p>What dates were you employed in this position?<br/>From _____ To _____<br/>Month/Year                      Month/Year</p>    | <p><b>What was your title in this position?</b></p> <p>_____</p> <p>Was this position:<br/><input type="checkbox"/> FULL TIME?<br/><input type="checkbox"/> PART TIME?<br/>(Average No. hrs. per wk.) _____</p> <p>How many staff members did you supervise?<br/>Professional Staff _____<br/>Support Staff _____</p> | <p>List the major duties you perform in this position in order of importance.</p> <p>_____</p> |
| <p><b>C What was the name and address of your previous employer?</b></p> <p>_____</p> <p>What dates were you employed in this position?<br/>From _____ To _____<br/>Month/Year                      Month/Year</p>    | <p><b>What was your title in this position?</b></p> <p>_____</p> <p>Was this position:<br/><input type="checkbox"/> FULL TIME?<br/><input type="checkbox"/> PART TIME?<br/>(Average No. hrs. per wk.) _____</p> <p>How many staff members did you supervise?<br/>Professional Staff _____<br/>Support Staff _____</p> | <p>List the major duties you perform in this position in order of importance.</p> <p>_____</p> |