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ISSUED: MARCH 4, 2022 (SLK)

	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
	:

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.¹

¹ 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 15th 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 2ND 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

Staple Payment Here APPLICATION FOR PROMOTIONAL EXAMINATION		\$ 25.00 FEE REQUIRED Make Check/Money Order Payable to NJCSC						
NEW JERSEY CIVIL SERVICE COMMISSION — County and Municipal Government			FOR COMM	FOR COMMISSION USE ONLY				
mation is accurate and may be accepted after t you must notify the C Return your complete	complete. Sign your nat the last date for filing ap ivil Service Commissio	ne in Block 11. NOTE blications has passed. If n immediately in writ han the last date for fil	ing listed on the announce-					
FO	R COMMISSION USE C	NLY	2. Social Security Number	• :	3. Symbol:			
STATUS:	UE:	REV	* (see block 10 for additional information 4. Name & Address: Last:					
		NO REV	Street:					
1. Title of Promotion			City: E-mail address: County:	State: Day Tele,	time phone:			
Note: Applications mu	ust be postmarked by	5 DACI			(Area Code) - Number			
52 Education (India	ato the highest lovel Dial		KGROUND DATA					
5a. Education (Indicate the highest level Diploma or Degree you have earned): High School Diploma or GED (A) Associate's Degree (M) Master's Degree (D) Doctorate (S) Some College but No Degree (B) Bachelor's Degree (D) Doctorate 5b. Completion of this part is VOLUNTARY and is to be used only for complying with EEOC Guidelines and the New Jersey State Affirmative Action Program. Check the group you are a member of: (1) Male (2) Female (2) Female (2) White (2) White (3) Hispanic (4) Asian (5) or Alaskan Nativo (5) or Alaskan Nativo (5) or Alaskan Nativo								
			(2) White (3) Hispar		(5) or Alaskan Native			
(Check one box only) (1) Camden (4) Monmouth 8. ADA Assistance: be contacted accommod	(2) Mercer	(3) Essex (7) Bergen	7. Are you claiming veterans preference? YES NO Check YES if you are claiming veterans preference for this examination. If you have established veterans preference since April 1, 1980, no further action is needed. Otherwise, complete a veterans preference claim form and include the required documents. Claim forms are available on our web site at www.state.nj.us/csc and at our office at 44 S. Clinton Avenue, Trenton, NJ. Completed forms should be mailed to the Department of Military and Veterans' Affairs (DMAVA). For more information, visit their web site at www.state.nj.us/military or contact them at 1-888-865-8387. Note: In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list.					
0. Procent Pormano	nt Title 8 Appointment	Data:		a 11a 1				
9. Present Permanent Title & Appointment Date: Name & Title of Immediate Supervisor: Telephone Number & Email Address of Immediate Supervisor:			 Your Social Security number will be kept confidential and used as your applicant I.D. number to identify and track all of your records and transactions associated with the application and testing process. Collecting this data is permissible under NJSA 11A:4-1, but its submission is voluntary. If you do not provide the number, a unique number will be assigned to you. However, once assigned, you will be responsible for remembering it for any inquiries you may have concerning your application or testing process. 					
in good faith. I understand examination, any applicant NOTE: Your application ma Signature	that if my application is incom who makes a false statement ay be released to the Appointi	plete, it may be rejected. (W/ of any material fact per NJA ng Authority for the purpose o	of verifying information with regard t	sion may refuse to examine, to your qualifications. Date	or certify after			
DPF-1B \$25 (Page 1 of 2	2 REVISED 07-01-10) IMF	ORTANT - please comple	te page 2 of this application and	d keep a copy for your rec	ords.			

Title of Promotion:		Symbol	SS#:					
12. Educational Section - College And Graduate S announcement, be sure to attach a copy of must be evaluated by a recognized evaluation	your transe	cript or a list of courses, course desc						
	What yrs. did /ou attend?	What was your major course of study?		at type of degree you earn?	Did you graduate?		If NO, when will you graduate?	Number of credits earned
	From: To:				□ Y □ N		Month / Year	
	From: To:						Month / Year	
13. Other Schools or Training Courses - Include related to the title for which you are applyin								ses that are
What is the name & location of school/facility w course(s)/training was held?		What classes did you take?		What were the you attended?	e dates How mai		any hours per week attend?	Did you complete the program?
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14. Use this space to describe any internships, lie	censes, cert	ifications or registrations that you posses	ss wh			ion for v	which you are apply	ving.
A. What type of license(s), certification(s), and/or re	egistration(s) do you hold?		C. What t	ype of inte	rnship	(s) have you com	pleted?
				Where	was the in	ternshi	ip(s) completed?	
In which state(s) do you hold the licent	In which state(s) do you hold the license(s), certification(s), and/or registration(s)?						the internship(s)?	•
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B. What was the original issue date of th	e license(s), certification(s), and/or registration	(s)?				curriculum?	Y 🗌 N
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What is the date of your current licens	e(s), certif	ication(s), and/or registration(s)?		Level 4	- 6 Compl	eted	▶	
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15. Employment Record - If you do not propheld different positions with the same employer, part time, and the number of hours worked per vapplication properly may cause you to be declared	, list each po week. Since	osition separately. Make sure you give f your application may be your only "tes	full da t pap	ates of employi er," be sure it i	ment (mont s complete	h/year), and acc	, indicate whether to c	he job was full or
A What is the name and address of yo current employer?	our	What is your title in this position?	List the major duties you order of importance.			erform	in this position	n
	ls t	his position: FULL TIME?						
		PART TIME?						
What dates have you been employed in this pos	sition? Hov	(Average No. hrs. per wk.) v many staff members do you supervise?						
From To		fessional Staff						
Month/Year Month/Year		pport Staff				,		
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Month/Year Month/Year	Sup	port Staff						
C What was the name and address of y previous employer?	/our	What was your title in this position?	List the major duties you perform in this position in order of importance.			n		
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What dates were you employed in this position? From To		fessional Staff						
Month/Year Month/Year	Sup	port Staff						
DPF-1b \$25 (page 2 of 2 Revised 10-12-11)		DID YOU INCLUD	E AN	Y ATTACHMEN	TS TO THIS	APPLI	CATION?	YES NO