



STATE OF NEW JERSEY

In the Matter of James Hawkins,
Police Chief (PM3690D),
Little Egg Harbor Township

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

CSC Docket No. 2022-1960

Examination Appeal

ISSUED: MARCH 25, 2022 (JH)

James Hawkins requests that he be permitted to submit an application for the promotional examination for Police Chief (PM3690D), Little Egg Harbor Township, after the application filing deadline.

By way of background, the announcement for the subject examination issued on February 1, 2022 with a February 22, 2022 application filing deadline and all applications had to have been received by 4:00 p.m. on that date. The subject examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service and were serving in the Police Captain title as of the April 30, 2022 closing date. It is noted that the examination for the Police Chief title is tentatively scheduled to be administered in June 2022. It is further noted that there were no applicants for the subject examination and thus, it was cancelled.

On appeal, Hawkins indicates that he was provisionally appointed to the subject title on September 9, 2021. He explains that “upon receiving the announcement, the township submitted a request for exam waiver . . . I was waiting for a response from CSC on the request for waiver prior to submitting my application for the exam.” He contends that he “mistakenly assumed the deadline [to file an application] was 11:59 pm on February 22, 2022.”

CONCLUSION

N.J.A.C. 4A:4-2.6(a)4 provides that applicants for promotional examinations shall submit an application on or before the announced application filing date. *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:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

It is noted that an appointing authority may request a waiver of examination under certain circumstances. In this regard, *N.J.A.C.* 4A:4-2.7 provides, in part, that following the announcement of a promotional examination, the promotion of a qualified permanent employee in the career service by regular appointment without competitive examination and without the establishment of an eligible list may be made if: 1. The employee has been successfully tested in the basic skills required for the promotional title; 2. The employee has not failed, within one year prior to the announced closing date, a promotional examination for that title; 3. The number of interested eligibles for the promotional examination does not exceed the number of promotional appointments by more than two; and 4. Veterans' preference rights are not a factor. Thus, *N.J.A.C.* 4A:4-2.7 requires all four conditions be met before the Civil Service Commission can consider a promotional examination waiver. However, a request made pursuant to *N.J.A.C.* 4A:4-2.7 does not mean that a prospective candidate is not required to file a timely application. In this regard, it is noted that an application is utilized to screen the candidate pool to ensure that applicants meet the minimum experience requirements for each position. Provisional appointees are not exempt from this screening process. Moreover, a request for waiver of examination cannot be processed unless applications are filed since applications are the means to determine whether the above noted criteria in *N.J.A.C.* 4A:4-2.7(a)3 has been met.

In the present matter, while the appellant has not presented any persuasive basis to permit him to file a late application, based upon the fact that the appellant is serving provisionally in the subject title, is the only eligible for the examination, and the examination has been cancelled, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)4 and allow the appellant to file an application after the application deadline for Police Chief (PM3690D), Little Egg Harbor Township.

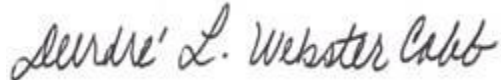
ORDER

Therefore, it is ordered that this request be granted and the appellant be permitted to submit an application for Police Chief (PM3690D), Little Egg Harbor Township. It is also ordered that the appellant submit a promotional examination application and the \$150.00 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 appellant's application and the required payment is 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. It is further ordered that upon determination of eligibility, the waiver of examination request be processed, and should the request be denied, 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 23RD DAY OF MARCH, 2022



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