



STATE OF NEW JERSEY

In the Matter of Young Kim, *et al.*,
Sheriff's Officer Lieutenant, various
jurisdictions

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

CSC Docket Nos. 2022-1665, *et al.*

Examination Appeal

ISSUED: MARCH 25, 2022 (JH)

Young Kim (PC4926C), Bergen County; Jacob Sidwa (PC4928C), Camden County; and Timothy Brown (PC4985C), Atlantic County; request that they be permitted to submit applications for the promotional examination for Sheriff's Officer Lieutenant (various jurisdictions), after the application filing deadline. These appeals have been consolidated due to common issues presented by the appellants.

By way of background, the announcements for the above noted Sheriff's Officer Lieutenant examinations were issued on November 1, 2021 with a November 22, 2021 closing date and all applications had to have been received by that date.¹ A review of the record finds that Kim submitted an application for Sheriff's Officer Sergeant (PC4931C), Bergen County; Sidwa submitted an application for Sheriff's Officer Sergeant (PC4934C), Camden County; and Brown submitted an application for Sheriff's Officer Sergeant (PC4994C), Atlantic County.

¹ The announcement for Sheriff's Officer Lieutenant (PC4926C), Bergen County, was open to Bergen County employees in the competitive division who had an aggregate of one year of continuous permanent service as of the November 22, 2021 closing date and were serving in the title of Sheriff's Officer Lieutenant; the announcement for Sheriff's Officer Lieutenant (PC4928C), Camden County, was open to Camden County employees in the competitive division who had an aggregate of one year of continuous permanent service as of the November 22, 2021 closing date and were serving in the title of Sheriff's Officer Lieutenant; and the announcement for Sheriff's Officer Lieutenant (PC4985C), Atlantic County, was open to Atlantic County employees in the competitive division who had an aggregate of one year of continuous permanent service as of the November 22, 2021 closing date and were serving in the title of Sheriff's Officer Lieutenant.

It is noted that all of the appellants submitted timely applications. The Division of Agency Services determined that the appellants were ineligible as the announced title did not represent a promotion.² It is noted that the Sheriff's Officer Lieutenant examination is tentatively scheduled to be administered in May 2022.

On appeal, Kim explains that while he intended to apply for Sheriff's Officer Lieutenant (PC4926C), he "understood the 'Title: Sheriff's Officer Sergeant' as the current title required to apply for the examination." Sidwa asserts that he "inadvertently registered for the Sheriff's Officer Sergeant Exam by mistake. I was unaware that I made this error at the time, and it was not until I received notification from the Civil Service Commission that I was ineligible for the title of Sheriff's Officer Sergeant, that I realized an error had been made. I am still unaware as to how I erred on this." Brown indicates that he is "currently a Sergeant with the Atlantic County Sheriff's Office and received my notice of ineligibility at the end of December. This was a shock, and I immediately realized my mistake."

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.

In the present matter, the appellants intended to apply for the Sheriff's Officer Lieutenant announcement issued by the respective jurisdictions in which they are employed and they successfully submitted timely applications although for the incorrect symbol. 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). Given this, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)4 and allow the appellants to file applications after the application deadline for Sheriff's Officer Lieutenant (various jurisdictions). However, the Commission cautions the appellants to ensure that they apply to the appropriate promotional announcement for future examinations as this remedy will not be afforded to them in the future.

² A review of the record finds that Kim, Sidwa and Brown were regularly appointed to and currently serve as Sheriff's Officer Sergeants in their respective jurisdictions.

ORDER

Therefore, it is ordered that these requests be granted and the appellants be permitted to submit applications for Sheriff's Officer Lieutenant (various jurisdictions). It is also ordered that the appellants submit a promotional examination application and the \$50.00 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 their applications be processed. If an 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 appellants be admitted to their respective examinations.

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

Deirdre' L. Webster Cobb

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
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Attachment

c: Young Kim (2022-1665)
Jacob Sidwa (2022-1624)
Timothy Brown (2022-1572)
Division of Agency Services
Records Center

APPLICATION FOR PROMOTIONAL EXAMINATION

NEW JERSEY CIVIL SERVICE COMMISSION —County and Municipal Government

\$ 50.00 FEE REQUIRED
Make Check/Money Order Payable to NJCSC

FOR COMMISSION USE ONLY

INSTRUCTIONS: Please print or type. Answer all pertinent questions and ensure that all information is accurate and complete. Sign your name in Block 11. **NOTE:** No additional information may be accepted after the last date for filing applications has passed. **If you change your address, you must notify the Civil Service Commission immediately in writing.**
Return your completed application no later than the last date for filing listed on the announcement to: NJ CSC, 44 S. Clinton Ave. PO Box 322, Trenton, N.J. 08625-0322

FOR COMMISSION USE ONLY		
STATUS: <input type="checkbox"/>		
SEN: <input type="checkbox"/>	UE: <input type="checkbox"/>	REV NO REV

2. Social Security Number: * (see block 10 for additional information)	3. Symbol:
4. Name & Address:	
Last: _____ First: _____ M.I. _____	
Street: _____	
City: _____ State: _____ Zip Code: _____	
E-mail address: _____	
County: _____ Daytime Telephone: _____ <small>(Area Code) - Number</small>	

1. Title of Promotion:

Note: Applications must be postmarked by

5. BACKGROUND 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
 (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.

Gender: (1) Male (2) Female

Check the group you are a member of:
 (1) Black (2) White (3) Hispanic (4) Asian (5) American Indian or Alaskan Native

6. Check the county in which you prefer to take the examination.
(Check one box only)
 (1) Camden (2) Mercer (3) Essex
 (4) Monmouth (6) Atlantic (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. For more information, visit their web site at www.state.nj.us/military or contact them at 1-888-865-8387.

8. ADA Assistance: Check the box if you would like to be contacted regarding auxiliary aid or reasonable accommodation in taking this examination in accordance with the Americans with Disabilities Act.

9. Present Permanent Title & Appointment Date:

Name & Title of Immediate Supervisor:

Telephone Number & Email Address of Immediate Supervisor:

*** 10.** 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.

11. Signature: I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I understand that if my application is incomplete, it may be rejected. (WARNING: The Civil Service Commission may refuse to examine, or certify after examination, any applicant who makes a false statement of any material fact per NJAC 4A:4-6.2)

FOR CSC ONLY

NOTE: Your application may be released to the Appointing Authority for the purpose of verifying information with regard to your qualifications.

Signature..... Date.....