



STATE OF NEW JERSEY

In the Matters of Jocelyn Castellano,
 Records Technician 3 Motor Vehicles
 (PS7769T), Senior Technician MVC
 (PS7770T), and Records Technician 1
 Motor Vehicles (PS7846T), Motor
 Vehicle Commission

CSC Docket Nos. 2022-3050, *et al.*

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

Examination Appeals

ISSUED: August 24, 2022 (HS)

Jocelyn Castellano requests permission to submit late applications for the promotional examinations for Records Technician 3 Motor Vehicles (PS7769T), Senior Technician MVC (PS7770T), and Records Technician 1 Motor Vehicles (PS7846T), Motor Vehicle Commission. These matters have been consolidated due to common issues presented.

As background, the appellant has been serving permanently in the noncompetitive title of Technician MVC since June 9, 2018. The announcements for the subject examinations issued on January 1, 2022, and each had a closing date of January 22, 2022.

Records Technician 3 Motor Vehicles (PS7769T) was open, in relevant part, to employees who were currently serving in the title of Technician MVC; had an aggregate of one year of continuous permanent service as of the closing date in that title; and met the open competitive requirements. The resulting eligible list of 11 names promulgated on June 16, 2022 and expires on June 15, 2025. One certification issued from the list on June 16, 2022, and it has not yet been returned.

Senior Technician MVC (PS7770T) was open, in relevant part, to employees who were currently serving in the title of Technician MVC and had an aggregate of one year of continuous permanent service as of the closing date in that title. There are 32 applicants for the examination.

Records Technician 1 Motor Vehicles (PS7846T) was open to employees who were currently serving in the title of Records Technician 2 Motor Vehicles with an aggregate of one year of continuous permanent service as of the closing date in that title and to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the open competitive requirements. There are 22 applicants for the examination.

On appeal to the Civil Service Commission (Commission), the appellant submits an affidavit in which she indicates that she was on leave and never received notice of any of the examination announcements in the mail.

In response, the appointing authority confirms that the appellant was on leave for the entirety of the application filing period but indicates that it mailed letters to the appellant on December 30, 2021 notifying her of the Records Technician 3 Motor Vehicles (PS7769T) and Senior Technician MVC (PS7770T) examinations. However, it did not mail her notice of the Records Technician 1 Motor Vehicles (PS7846T) examination because that examination was open to employees serving in the title of Records Technician 2 Motor Vehicles, which is not the appellant's title, and all competitive division employees meeting the open competitive requirements.

CONCLUSION

N.J.A.C. 4A:4-2.1(b) provides that in order to notify all employees of promotional opportunities, promotional examination announcements shall be posted on, and applications shall be made available through, this agency's web site and may also be made available through the web sites of affected appointing authorities. If an affected appointing authority does not maintain or utilize a web site, promotional examination announcements shall be conspicuously posted by the affected appointing authority at all geographic locations within the unit scope (in State service) or department (in local service) to which the examination is open. Appointing authorities shall also ensure the notification by electronic or other means of all eligibles of the promotional examination announcement. Appointing authorities shall maintain a record of promotional examination announcement postings and the notification of eligibles of the announcement.

N.J.A.C. 4A:4-2.1(e) provides, in pertinent part, that unless otherwise provided for by this agency, applications for promotional examinations shall be submitted no later than 4:00 P.M. on the announced application filing date.

In these matters, the appellant did not submit applications by the closing date for the subject examinations. However, in this specific instance, the Commission finds that there is good cause to allow the appellant to submit late applications for the Records Technician 3 Motor Vehicles (PS7769T) and Senior Technician MVC (PS7770T) examinations. Specifically, the record reflects that the appellant was on

an approved leave for the entirety of the application filing period. Further, she attests, via affidavit, that she never received the notices that were mailed to her concerning those examinations. While there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting her affidavit. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 N.J. 614 (1996); *Szczesny v. Vasquez*, 71 N.J. Super. 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). The Commission also emphasizes 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). However, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter.

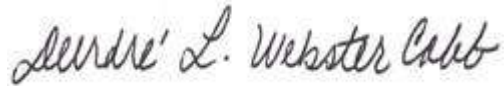
The appointing authority was not required to provide the appellant with individualized notice concerning the examination announcement for Records Technician 1 Motor Vehicles (PS7846T) because *N.J.A.C.* 4A:4-2.1(b) only requires that such notice be provided to *eligibles*. The announcement was open to employees who were currently serving in the title of *Records Technician 2 Motor Vehicles* and to employees in the *competitive division* meeting the open competitive requirements. As the appellant was not serving in the title of *Records Technician 2 Motor Vehicles* or any competitive division title, she was not eligible. Thus, there is no good cause to allow the appellant to submit a late application for the *Records Technician 1 Motor Vehicles* (PS7846T) examination.

ORDER

Therefore, it is ordered that Jocelyn Castellano be permitted to submit applications for *Records Technician 3 Motor Vehicles* (PS7769T) and *Senior Technician MVC* (PS7770T), *Motor Vehicle Commission*. It is further ordered that Castellano submit the attached promotional examination application and the \$25.00 application processing fee, for each examination, to the *Division of Agency Services*. The applications and processing fees must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the applications and processing fees, it is ordered that her applications be processed. Finally, if Castellano's applications and the required payments are not postmarked on or before the 15th day after the issuance date of this decision, she will not be entitled to have her applications processed.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 24TH DAY OF AUGUST, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
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: Jocelyn Castellano (2022-3050, 2022-3051, and 2022-3052)
Angela LaMorte
Division of Agency Services
Records Center

APPLICATION FOR PROMOTIONAL EXAMINATION

NEW JERSEY CIVIL SERVICE COMMISSION — STATE SERVICE

\$ 25.00 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 12. **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 to your Personnel Office no later than the last date for filing listed on the announcement.

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

2. Social Security Number:
 * (see block 11 for additional information)

3. Symbol :

4. Name & Address:

Last: _____ First: _____ M.I. _____

Street: _____

City: _____ State: _____ Zip Code: _____

E-mail address: _____

County: _____ Daytime Telephone: _____
 (Area Code) - Number

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 (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.

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. Check the county(s) in which you will accept employment. Please note: Not all promotional lists can be used in all geographic locations. If you have any questions regarding this, contact your Personnel Office.

(A) Atlantic (C) Burlington (B) Bergen (D) Camden (E) Cape May (F) Cumberland (G) Essex
 (H) Gloucester (J) Hudson (K) Hunterdon (M) Middlesex (N) Monmouth (L) Mercer (P) Morris
ALL (Q) Ocean (R) Passaic (S) Salem (T) Somerset (U) Sussex (V) Union (W) Warren

10. Present Permanent Title & Appointment Date:

Name & Title of Immediate Supervisor: _____

Telephone Number & Email Address of Immediate Supervisor: _____

*** 11. 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.**

12. 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

Title of Promotion:		Symbol:		SS#:	
13. 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?
	From: _____ To: _____			<input type="checkbox"/> Y <input type="checkbox"/> N	_____/_____ Month / Year
	From: _____ To: _____			<input type="checkbox"/> Y <input type="checkbox"/> N	_____/_____ Month / Year
14. 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?	
		_____/_____/_____ Month/Yr. TO Month/Yr.		<input type="checkbox"/> Y <input type="checkbox"/> N	
		_____/_____/_____ Month/Yr. TO Month/Yr.		<input type="checkbox"/> Y <input type="checkbox"/> N	

15. 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>A. What type of license(s), certification(s), and/or registration(s) do you hold?</p> <p>In which state(s) do you hold the license(s), certification(s), and/or registration(s)?</p> <p>B. What was the original issue date of the license(s), certification(s), and/or registration(s)?</p> <p>What is the date of your current license(s), certification(s), and/or registration(s)?</p>	<p>C. What type of internship(s) have you completed?</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>D. Certified Public Manager's Program</p> <p>Level 1 - 3 Completed ▶ _____/_____ Month/Year</p> <p>Level 4 - 6 Completed ▶ _____/_____ Month/Year</p>
---	--

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