



STATE OF NEW JERSEY

In the Matter of Odai Matarieh,
2022 Law Enforcement Examination

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-1002

Examination Appeal

ISSUED: February 22, 2023

Odai Matarieh requests that he be permitted to submit applications for the 2022 Law Enforcement Examination (LEE), after the application filing deadline.

By way of background, unlike previous LEE testing cycles,¹ the 2022 LEE did not permit candidates to fill out a single application and indicate the titles for which they wished to be considered. Instead, titles that were included in the 2022 LEE testing cycle² were announced separately by jurisdiction.³ Thus, candidates were required to file separate applications to indicate their interest in an announcement for a particular jurisdiction and title.⁴ It is noted that the subject announcements

¹ A review of the record finds that the appellant submitted an application during the prior LEE cycle (S9999A) in 2019.

² The following titles were announced as part of the 2022 LEE: Police Officer; County Police Officer; Park Police Officer; Campus Police Officer Recruit; Police Officer Recruit, Human Services; Police Officer, Palisades Interstate Park; State Park Police Officer Trainee; Sheriff's Officer; County Correctional Police Officer; Correctional Police Officer; Correctional Police Officer, Juvenile Justice Commission; Parole Officer Recruit; and Parole Officer Recruit, Juvenile Justice. Bilingual variants for some of these titles were also announced.

³ It is noted that online applications were available for each announced title via the Online Application System (OAS).

⁴ As also noted in the LEE FAQs, "the Law Enforcement Aptitude Battery (LEAB) will be used to test candidates who apply for any of the LEE titles . . . Because the same examination is used, candidates will only have one opportunity to take the examination, regardless of the number of announcements for which they apply, and their score achieved on the examination will be applied to all these 2022 LEE announcements for which they have applied."

were issued on January 3, 2022 with a February 28, 2022 closing date and all applications had to have been received by 4:00 p.m. on that date.

Specifically, as indicated on the Civil Service Commission (Commission) website beginning on January 4, 2022, and available throughout the 2022 LEE application filing period:

Overview of Public Safety

Entry-Level Examinations

Law Enforcement: In order to be considered for employment in an entry-level law enforcement position, applicants must submit individual applications for each jurisdiction in which they are interested in working. Applicants who meet the eligibility requirements will then be scheduled for and must pass a written exam called the Law Enforcement Examination (LEE). Titles to be included in the 2022 LEE announcement/testing cycle are posted by jurisdiction (i.e., individual municipalities, counties, or state departments). Candidates who pass the exam will be placed on the employment list for each jurisdiction for which they applied. Applications can be found for each title at: <https://info.csc.state.nj.us/Vats?jobView.aspx>. CSC is currently accepting LEE applications between January 3, 2022 and February 28, 2022. The LEE is tentatively scheduled to be administered in Spring 2022.⁵

As further indicated in the 2022 LEE Frequently Asked Questions (FAQs) page, which was available on the Commission's website:

1. Will the 2022 LEE test cycle use a pool system?

No. Unlike previous LEE testing cycles, the 2022 LEE will not put candidates into a pool of eligibles once results have been released. Instead, titles that make up the 2022 LEE testing cycle will announce individually by jurisdiction (i.e., individual municipalities and counties) and candidates will be placed on eligible lists for each jurisdiction for which they applied. So, instead of filling out a single LEE application, candidates will have to fill out separate applications for each jurisdiction that they are interested in working with . . .⁶

Moreover, each announcement included in the 2022 LEE, under the section, "Requirements," provided, "Before proceeding, you MUST Click here and read the

⁵ <https://nj.gov/csc/jobs/announcements/publicsafety/>. Accessed January 4, 2022.

⁶ <https://www.state.nj.us/csc/authorities/faq/safety/lee.html>. Accessed January 4, 2022.

2022 Law Enforcement Examination Fact Sheet.” In this regard, the 2022 Law Enforcement Examination Fact Sheet informed applicants, in pertinent part:

Applicants must file a separate application to indicate their interest in announcement for a particular jurisdiction and title. An application processing fee is required for each application/symbol. No applications will be accepted after the closing date . . . Anyone wishing to receive a score and be included on one or more of the 2022 LEE eligible lists MUST apply for the specific announcement/symbol issued for the jurisdiction and title in which you are interested, pay the related fee(s), and take and pass the examination scheduled for 2022.⁷

A review of the record finds that on January 4, 2022, the appellant filed an application for Police Officer (M0027D), Clark. However, there is no indication that he filed any additional applications for the 2022 LEE.

On appeal, Matarieh presents that he has been “trying to apply to become a police officer for almost 8 years. However due to my previous Citizen status [I] was not eligible. I waited patiently. When the portal opened, I applied so fast out of excitement and lack of knowledge. I applied for Clark thinking jurisdiction didn’t matter, even the police department wasn’t aware of the new system. I asked them previously but no one helped me enough and gave me enough knowledge. I spoke to every chief in every city and they asked me to write this appeal.” He maintains that he contacted Clark and he was informed that “they aren’t hiring anytime soon and that news devastated me.” He argues, “I don’t think it’s fair since I worked so hard to achieve this high score that I am limited to a certain city, due to the new rules and regulations.” He requests that he be allowed to file applications for additional jurisdictions.⁸ In a subsequent submission sent via email on January 20, 2023, Matarieh presents:

I have been asking for help to change my jurisdiction since November and apparently everyone [is] following rules now. I am frustrated and upset because no one is taking an extra step when I am ready and been ready for this career since I was young. I passed my [S]tate [T]rooper physical exam so I do have a backup plan however I wanted to be in Roselle police department because they are the only department that was willing to listen and help as much as possible which I expected the [C]ivil [S]ervice to do, not the police since they aren’t the ones who

⁷ <https://info.csc.state.nj.us/Vats/PdfForms/2022Law.pdf>.

⁸ The appellant does not specify to which titles and jurisdictions he is seeking to apply. However, it is noted that in an email sent on January 21, 2023, the appellant provided links to 130 announcements for Police Officer (various jurisdictions). It is noted that 176 jurisdictions issued announcements for Police Officer during the 2022 LEE.

makes the rules for list eligibilities. I contacted the [G]overnor and every single government agency there is hoping one person will take an extra step to help out. In 2019 I applied for state list . . . however I wasn't eligible due to my citizenship status and now that I am a citizen of the United States nothing can be done. Since the [C]ivil [S]ervice [Commission] is not able to change or add a jurisdiction since I have it in my old filling records state list [*sic*] at least it could be changed to that however it all depends on who is willing to help achieve that for me. I am very intelligent and speak both Arabic and English and can be great help to the community and I will not let anyone stand in my way. I am going to keep calling and emailing and this is not a threat this is coming from a frustration and I will not stop until I get what I deserve and what I have been working hard for. I have never committed a crime in my life I am very honest and hardworking being and I deserve an equal chance like everyone else. And I am confident that. [*sic*] Clark isn't hiring and won't hire till probably another 3 years as they told me so I think if a city isn't hiring it shouldn't be an option when you apply because it's misleading.⁹

In his final submission sent via email on January 21, 2023, the appellant argues that if his name appeared on other eligible lists, he “would be [in] the top 5 high scores in the State. I think it's a bad decision to not let me have my chance. I don't know if it's because I am from a [M]iddle [E]astern background that I was denied the appeal, however I am a citizen of the United States and I will die for my country that I cherish and devote myself to.” He asserts that “some of my friends also applied for the wrong cities and yet we filed an appeal together with the same reasons the only difference is they got approved and I was denied even though they scored much much less than me which also made me think it is because they are born in this great country and not [M]iddle [E]astern background?”

CONCLUSION

N.J.A.C. 4A:4-2.3(b)3 provides that applicants for open competitive 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 open competitive examinations shall be submitted no later than 4:00 p.m. on the announced application filing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant in an examination appeal shall have the burden of proof.

⁹ It is noted that each jurisdiction was required to request announcement for a particular title to be included in the 2022 LEE. In other words, announcements were not automatically issued as part of the 2022 LEE, but rather, a jurisdiction was required to specifically request that an announcement for a particular title be issued. In addition, the resultant eligible list for Police Officer (M0027D), Clark is set to expire on November 9, 2023. Thus, the claim that “Clark isn't hiring” is premature.

As noted above, there was a plethora of information available on the Commission’s website during the subject filing period which informed 2022 LEE candidates that they were required to file **separate** applications for any titles and jurisdictions in which they were interested. Thus, it was incumbent on the applicant to access and review this information. In addition, the announcements for the 2022 LEE, in the “Important Information” section, informed candidates:

If you are having difficulty submitting your application on-line, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday-Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.state.nj.us or call (609)292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so please file early.

Thus, if candidates had any questions regarding the filing process for the 2022 LEE, they had the opportunity to contact customer care to have their concerns addressed.

While it is unfortunate that the appellant did not follow the instructions on the announcement or access the available resources during the almost two-month long filing period, from January 3, 2022 through February 28, 2022, the appellant has not presented sufficient basis to relax to provisions of *N.J.A.C.* 4A:4-2.3(b)3 and *N.J.A.C.* 4A:4-2.1(e). These provisions are necessary for the Division of Agency Services to properly process the voluminous applications for various examinations. In this regard, it is noted that almost 39,500 applications were received by this agency for the 2022 LEE.

With respect to the appellant’s claim that “some of my friends also applied for the wrong cities and . . . they got approved” but his request has not been “approved” because he is of Middle Eastern background and/or because he is not a citizen by birth,¹⁰ the appellant does not provide the names of these individuals or any evidence

¹⁰ Absent the appellant’s disclosure, this information is not available to Commission staff. In this regard, it is noted that the OAS application provides the following section:

BACKGROUND DATA:
(Completion of parts A and B is voluntary. The information is used to comply with EEOC Guidelines and the N.J. State Affirmative Action Program.)

A. Select Your Ethnic Member Group(s):

Black White Hispanic Asian American Indian or Alaskan Native

B. Gender(s):

Male Female

The OAS application does not ask for any further information regarding ethnicity. Moreover, as noted above, completion of this section is voluntary. With regard to citizenship, the application, in the

to support his contention. *See N.J.A.C. 4A:4-6.3(b)*. Thus, without specifics, the Commission cannot investigate this matter further.

The Commission notes, with respect to future hiring opportunities, as indicated in the 2022 LEE FAQs, the resultant eligible lists for the 2022 LEE were issued on November 2, 2022 and are set to expire on November 9, 2023.¹¹ In this regard, as indicated in the Law Enforcement Status Report (February 2023), available on the Commission's website, "the next LEE announcement is expected to be released March 1, 2023."¹² Moreover, it is noted that an exemption to the normal Civil Service appointment process for law enforcement officer positions is provided for by statute. Specifically, *N.J.S.A. 11A:4-1.3*, which took effect on August 4, 2021, permits a law enforcement agency to hire a person, exempt from the requirement to take the entry level law enforcement examination conducted by the Civil Service Commission, who has successfully completed the full Basic Course for Police Officers at a school approved and authorized by the New Jersey Police Training Commission. Subsequently, *P.L. 2021, c. 406*, which was approved on January 18, 2022, and took effect on July 18, 2022, amends *N.J.S.A. 11A:4-1.3* to read as follows:

The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position, entry-level sheriff's officer position, or entry-level State or county correctional police officer position a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer under the provisions of this section . . . Upon successful completion of the training course, any person employed under the provisions of this section shall be appointed from a temporary to a permanent entry-level law enforcement police officer, entry-level State or county correctional police officer, as appropriate.

In essence, successful completion of the full basic training course has been equated to passing the entry level law enforcement examination and permits appointing

"Contact Information" section, asks, "Are you a United States Citizen?" and candidates must check "yes" or "no." As such, the application does not require candidates to indicate how they became a citizen.

¹¹ As also noted in the FAQs, the lists "may be extended beyond that date if needed." *See* <https://www.state.nj.us/csc/authorities/faq/safety/lee.html>. The above information was published to the 2022 LEE FAQs on November 4, 2022.

¹² *See* <https://nj.gov/csc/jobs/announcements/publicsafety/pdfs/2-2023%20February%20-%20Law%20Enforcement%20Status%20Report%20-%201-31-23.pdf>.

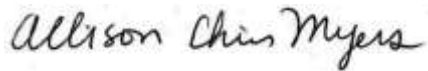
authorities to hire those individuals absent open competitive list issuance and normal Civil Service certification and appointment procedures.

ORDER

Therefore, it is ordered that this request be denied.

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 22ND DAY OF FEBRUARY, 2023



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