



STATE OF NEW JERSEY

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

In the Matter of Christopher Brown,
Deputy Director Public Safety
(PM5048C), Newark

CSC Docket No. 2023-1867

Examination Appeal

ISSUED: December 6, 2023

Christopher Brown appeals the determination of the Division of Agency Services (Agency Services) which found that he was ineligible for the promotional examination for Deputy Director Public Safety (PM5048C), Newark for failure to file a complete application.

By way of background, the subject announcement initially issued on December 1, 2021 with a December 21, 2021 closing date. However, this announcement was subsequently amended on January 1, 2022 and January 1, 2023.¹ As noted in the amended announcement issued on January 1, 2023, "SPECIAL NOTE: If you filed an application for this announcement during the original posting and would like to supplement your original application due to the corrected requirements listed above, please send your supplemental information to NJCSC, PO Box 322, Trenton NJ 08625 and include a copy of this announcement. Please do not send a new application and fee." The subject announcement was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the December 21, 2021 closing date and met the following requirements: graduation from an accredited college or university with a Bachelor's degree; and six years of experience supervising public safety-related functions and programs pertaining to law enforcement, fire service, and/or emergency medical services. Pursuant to the substitution clause, applicants who did not possess the Bachelor's degree could substitute additional experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience. A total of 22 applicants applied and 19

¹ A review of the available record finds that Agency Services determined to amend the subject announcement effective January 1, 2022 as candidates were not notified pursuant to *N.J.A.C.* 4A:4-2.1(b). Effective January 1, 2023, in order to correct the requirements indicated on the announcement, Agency Services amended the subject announcement. As a result, candidates were provided with the opportunity to submit additional information no later than January 23, 2023. However, the closing date remained unchanged.

were found eligible. It is noted that the subject examination was administered on October 26, 2023 and the resulting eligible list, which contained the names of 11 individuals, was promulgated on November 23, 2023 and is set to expire on November 22, 2026.

A review of the record finds that the appellant filed an application via the Online Application System (OAS) on December 4, 2021. However, OAS indicates that “during the application creation process, employment information was not entered into the Experience section.” OAS also does not indicate that the appellant submitted any supporting documentation with his application. As such, Agency Services determined that due to an incomplete application, the appellant’s eligibility could not be determined.

On appeal, the appellant presents that “throughout my 27-year career, I have completed nine separate applications² for the Civil Service Commission and have never omitted anything from those applications . . . The cited application was submitted in December of 2021 and the [notification of ineligibility] was dated 2/22/2023 which is well over a year and the omitted information could not have been requested and retained in that time frame. The new application process is completed on the [C]ivil [S]ervice website which controls the process. All supporting documents must be downloaded onto the website with no ability to copy and or save the application.” He contends that he “also submitted my resume with this application, it would have my credentials which went far beyond the requirements for this position and toppled [*sic*] any individual that has ever held the position. A failure to rectify the situation would have to be deemed a violation of the equal protection clause within the 14th amendment and would force me to seek legal counsel on this matter.”

In a letter dated May 22, 2023 from Division of Appeals and Regulatory (DARA) staff, the appellant was provided with the opportunity to supplement his appeal with documentation evidencing his attempt to enter his employment information in OAS or to provide proof of mailing supplemental information. No additional information was received from the appellant. However, on October 19, 2023, the appellant informed DARA staff that he had provided documentation in May 2023. On that same date, the appellant contacted Agency Services staff via email and indicated that he “had an issue where my credentials were brought into question but I was instructed to resubmit my resume because of the changing of the criteria for the position that occurred on two occasions. I never received any further correspondence on the matter.” In an email sent on October 20, 2023 to DARA staff, the appellant provided a copy of a certified mail receipt which indicated that the

² A review of the available record finds that previously, the appellant applied for the following examinations: Entry-Level Law Enforcement Examination (S9998U); Police Sergeant (PM2530C), Newark; Police Sergeant (PM2559F), Newark; Police Lieutenant (PM5035P), Newark; Police Captain (PM1345U), Newark; Deputy Police Chief (PM3052C), Newark. It is noted that none of the applications for these announcements required applicants to provide experience information.

appellant sent an item on May 23, 2023 addressed to the Civil Service Commission³ and a copy of his resume.

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:2-1.4(c) and *N.J.A.C.* 4A:4-6.3(b) provide that the appellant has the burden of proof in appeals of this type.

N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given title that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. *See In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003); *In the Matter of Diana Begley* (MSB, decided November 17, 2004); and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005). It is noted that OAS logs all user activity, *e.g.*, account creation, login attempts, application activity and payment activity. As noted above, OAS indicates that “during the application creation process, employment information was not entered into the Experience section.” OAS also does not indicate that the appellant submitted any supporting documentation with his application. The appellant’s resume submitted during the appeal process, which was well after the December 21, 2021 closing date and the amended period for submissions which ended on January 23, 2023, as noted above, is considered an amendment to his application. As such, it cannot be considered. *See N.J.A.C.* 4A:4-2.1(f). Additionally, as there are 11 eligibles currently on the subject list, good cause does not exist to relax the controlling provision.

With respect to the appellant’s claim that he “was instructed to resubmit my resume,” as noted above, the letter dated May 22, 2023 from DARA staff did not request that the appellant “resubmit [his] resume” but rather, provided him with the opportunity to supplement his appeal with documentation evidencing his attempt to enter his employment information in OAS or to provide proof of mailing supplemental information. In addition, Agency Services was contacted regarding this matter and indicated that it did not find any communications in OAS support with the appellant. Agency Services further noted that its records do not indicate that the appellant mailed a resume during the original filing period or that it had received any additional documentation from him as a result of the January 2023 amended announcement. Moreover, despite having been provided with the opportunity during

³ It is noted that the certified mail receipt indicates that the item was misaddressed to P.O. Box 322 rather than P.O. Box 312, as indicated in the May 22, 2023 letter from DARA staff.

the appeal process, the appellant has not submitted any additional documentation evidencing that he entered his employment information on his application, he had uploaded a resume with his application or that he subsequently mailed a resume during the initial application filing period or during the amended filing period in January 2023.

Despite the appellant's claim that there is "no ability to copy and or save the application," it is noted that during the application filing process, prior to submitting their payment information, OAS provides applicants with the opportunity to review the information that they have entered to determine if they need to make any changes, updates or additions. Applicants are also provided with the opportunity "to view or print your application form, [click here](#)"⁴ or "to submit your supporting documents with your online application, [click here](#)" by selecting the appropriate link provided on that page. If an applicant chooses to submit supporting documents, *e.g.*, a resume, the applicant may select one of two options: 1. Online submission or 2. By mail. If an applicant selects to make an online submission, they are directed to upload the supporting document and then provided with the opportunity "to print this record of your uploaded documents, [click here](#)." If an applicant selects to submit their document by mail, a "Cover Page for Mail Submissions" is provided to them which they are directed to print out and mail with their submission. An applicant may make a copy of this page for their records. Once an applicant completes the submission process, applicants are provided with another opportunity to print their applications before proceeding to the payment processing area. Prior to submitting their payment information, applicants are required to certify that the information that they have provided in their application is complete and accurate and that they "understand that once I submit my electronic application, I will not be able to make any changes to it. Any changes or additional information must be mailed to the NJCSC by the announcement closing date." If an applicant selects "yes" to this certification, he or she is taken to the payment processing section. Once an applicant completes the payment process, they are taken to a payment confirmation page which provides links to print a copy of the confirmation page as well as to "Print Application Form."⁵ As such, applicants have multiple opportunities to print the information they provide during the OAS application process. Again, as noted above, despite being provided with the opportunity during the appeal process, the appellant did not provide any additional documentation evidencing that he provided his employment information in OAS or proof of mailing supplemental information.

Accordingly, the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

⁴ If an applicant does not have access to a printer, they may copy and paste their application into a Word document and save it for their records.

⁵ It is noted that if an applicant selects this link to print their application, a pop-up window will display.

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 6TH DAY OF DECEMBER, 2023



Allison Chris Myers
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

c: Christopher Brown
Division of Agency Services
Records Center