

B-41



STATE OF NEW JERSEY

In the Matter of Altin Aliaj,
Supervising Highway Engineer 2,
Traffic (PS1645T), Department of
Transportation

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1927

Examination Appeal

ISSUED: DEC 23 2016 (JET)

Altin Aliaj requests to apply for the promotional examination for Supervising Highway Engineer 2, Traffic (PS1645T), Department of Transportation, after the closing date of the announcement.

The examination at issue was announced with specific requirements which had to be met as of the November 21, 2015 closing date (see attached). A total of 12 applicants applied for the subject examination that was held on March 22, 2016 which resulted in a list of 2 eligibles. No certifications have been issued. Personnel records do not reflect that the appellant applied for the subject examination.

On appeal, the appellant asserts, among other things, that he incorrectly applied for the promotional examination for Supervising Highway Engineer 2, Traffic (PS0908T), Department of Transportation, which was open to a different unit scope. The appellant explains that, at the time he filed for the examination, there were two promotional examinations posted for Supervising Highway Engineer 2, and based on the similarities of the announcements, he applied for the wrong examination in error. The appellant maintains that he initially intended to apply for the subject examination and now requests to apply for it after the closing date.

It is noted that personnel records reflect that, by letter dated November 1, 2015, the appointing authority notified the appellant to apply for the subject examination before the closing date, and he failed to do so.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides, in pertinent part, that applications for open-competitive and promotional examinations should be filed no later than the announced filing date for filing applications. The rule indicates that, unless otherwise provided for by the Chairperson of the Civil Service Commission or designee, applications for open competitive and promotional examinations shall be submitted to the Civil Service Commission no later than 11:59 p.m. on the announced application filing date.

N.J.A.C. 4A:4-2.6(a)2 provides, in pertinent part, that applicants for promotional examinations be currently serving in the announced unit scope in a title to which the examination is open and meet all other requirements contained in the announcement.

N.J.A.C. 4A:4-6.3(b) states, in pertinent part, that the appellant has the burden of proof in examination and selection appeals.

In the matter at hand, there is no basis on which to permit the appellant to file a late application. The appellant states that he inadvertently filed for an examination which was open to a different unit scope. However, the examination announcements advised all applicants to make sure that they are assigned to the unit scope indicated on the announcement and that if they did not know their unit scope assignment, to contact their Human Resources Office. It also indicated that if an application was filed for a specific announcement and the applicant is not assigned to the indicated unit scope on the announcement, they would be found ineligible for the examination. Further, the appointing authority provided the appellant a memorandum, dated November 1, 2015, and advised him to file for the PS1645T announcement if he was interested in the opportunity. Additionally, this memorandum advised applicants that only on-line applications would be accepted. When filing for a specific promotional announcement utilizing the on-line application system, the first screen that appears *before* an applicant can proceed to fill out their application consists of a large red STOP sign and indicates:

You must work for:

Department: DEPARTMENT OF TRANSPORTATION
Unit: [Specific unit scope for announcement]

to meet the first eligibility requirement of this announcement.

If you do not meet this requirement and choose to file an application, you will be found ineligible and your application fee will not be refunded.

Finally, after completing the on-line application, applicants are sent an automatic e-mail confirming that their application has been received by this agency and listing, among other things, the title name, *promotional symbol*, closing date, and jurisdiction for the promotion.

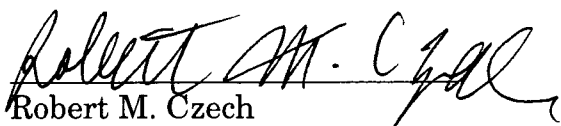
Notwithstanding all of the information provided to the appellant regarding the importance of filing promotional application for the appropriate unit scope, the appellant erroneously applied for a promotional opportunity in a unit scope to which he is not assigned. The appellant's explanation is not remotely sufficient to overcome the various warnings that were provided regarding applying for the correct examination. The disregard of the numerous warnings will not be rewarded by the Commission by allowing the appellant to take the proper examination in his correct unit scope. Similarly, it is axiomatic that an individual applying for a higher level position to know what position he or she is applying for before submittal of an application. Thus, while it is unfortunate that the appellant erroneously applied for a position in the wrong unit scope, it is his responsibility to ensure his application is correct before submittal.

ORDER

Therefore, it is ordered that this appeal 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 21st DAY OF DECEMBER, 2016



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