



STATE OF NEW JERSEY

In the Matter of Joseph Santoro,
Police Sergeant (PM0768V), Berkeley

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

CSC Docket No. 2018-287

Examination Appeal

ISSUED: October 24, 2017 (JH)

Joseph Santoro requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM0768V), Berkeley, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on July 1, 2017 with an application filing deadline of July 21, 2017 and all on-line applications had to have been received by that date. It is noted the subject test is scheduled to be administered on October 28, 2017.

On appeal, Mr. Santoro, in a sworn statement, indicates that that he attempted to file an application for the subject test at 7:38 p.m. on July 21, 2017 but “after typing out the first page I was denied access and not allowed to continue advising me that the deadline expired.” He explains that “it was not my intention to wait until the last minute. I was summoned by my supervisor to head out of the office earlier in the day and follow up on an investigation . . . [regarding] a possible burglary that was reported at [6]:16 [p.m.] When I arrived back in the office I knew I had until 11:59 p.m. [pursuant to *N.J.A.C.*] 4A:4-2.1[(e)].” In support of his appeal, he provides additional information including screen shots of his browser history showing that he accessed the Civil Service Commission website on July 21, 2017; and a letter dated October 3, 2017 from Karin T. DiMichele, Chief of Police, in which Chief DiMichele indicates, in part, that Mr. Santoro was assigned the evening shift during which he attempted to file his application and that Mr. Santoro “has been and continues to be an asset to this agency . . . It would be detrimental to

this agency to hold this officer from taking the promotional exam as he would make [a] great sergeant for the future of Berkeley Township Police Department.”

CONCLUSION

Prior to July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) provided, in part, that applications for promotional examinations shall be filed no later than 11:59 p.m. on the announced filing date. However, effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to substitute “4:00 p.m.” for “11:59 p.m.”

In the present matter, Mr. Santoro has submitted a signed sworn statement that he attempted to file an application after 4:00 p.m. on the filing deadline but he was unable to do so. It is not clear from the record, whether applications for the subject test were available after 4:00 p.m. on the filing deadline. Given that the amendment went into effect four days prior to the filing deadline and candidates were not informed of this change, it would not be appropriate to require candidates to file by 4:00 p.m.

The Commission is willing to accept that if Mr. Santoro is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will accept Mr. Santoro’s statement that he was unable to access the subject on-line application after 4:00 p.m. on the filing deadline, July 21, 2017.

Accordingly, good cause has been presented to relax the provisions of *N.J.A.C.* 4A:4-2.1(e) and permit Mr. Santoro to file an application.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant’s application be accepted and reviewed for eligibility.

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 18TH DAY OF OCTOBER, 2017



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