



STATE OF NEW JERSEY

In the Matter of Leo Barsanti, Police
Sergeant (PM0849V), Orange

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

CSC Docket No. 2018-333

Examination Appeal

ISSUED: June 7, 2018 (JH)

Leo Barsanti requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM0849V), Orange, 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 was administered on October 28, 2017.

On appeal, Barsanti, in a sworn statement, provides that he did not receive notice of the subject exam prior to the July 21, 2017 application filing deadline. Specifically, he explains that he was on vacation from June 23 to July 4, 2017, he returned on July 6 and then he was off on July 7, 8, 9, and 10. He returned to work on July 11 and 12, 2017 but he was not advised during roll call that the subject announcement was posted. He further explains that he went back on vacation from July 13 through July 22, 2017. He indicates that he “received one phone call, the last day to file the exam. I advised Personnel that I was on vacation and had no access to a computer.” In support of his appeal, he provides additional documentation including a flight confirmation indicating a departure date of June 23, 2017 and a return date of July 4, 2017; and a hotel reservation indicating a check-in date of July 13, 2017 and a check-out date of July 22, 2017.

CONCLUSION

N.J.A.C. 4A:4-2.1(b) provides:

In order to notify all employees of promotional opportunities, promotional examination announcements shall be posted on, and applications shall be made available through, the Civil Service Commission 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 part, that applications for promotional examinations shall be filed no later than 4:00 p.m. on the announced filing date.¹

It is noted that the appointing authority was contacted regarding this matter and declined to submit a response.

In the present matter, Barsanti has submitted a signed sworn statement that he was not notified of the subject test prior to the July 21, 2017 application filing deadline. He indicates that while he received a phone call on July 21, 2017, he “advised Personnel that I was on vacation and had no access to a computer.” The Commission is willing to accept that if the appellant is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will accept the appellant’s statement that he was not notified of subject test prior to 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 the appellant to file an application. In this regard, the Division of Agency Services should send the appellant a written application upon receipt of this decision. The completed application and the required application processing fee should be forwarded within the time specified by the Division of Agency Services to: New Jersey Civil Service Commission, P.O. Box 322, Trenton, New Jersey 08625-0322. Failure to file the application and processing fee within the time provided will result in rejection from the examination process.

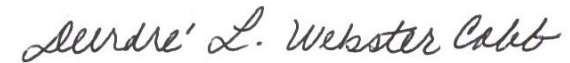
¹ It is noted that effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to substitute the former deadline of “11:59 p.m.” to “4:00 p.m.”

ORDER

Therefore, it is ordered that this appeal be granted, the appellant's application be accepted and reviewed for eligibility, contingent upon receipt of the completed application and processing fee, and the appellant be scheduled for a make-up examination.

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 JUNE, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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