



STATE OF NEW JERSEY

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

In the Matter of Erick Schoenberger,
Campus Police Officer Recruit,
(PS0042A), Kean University

Examination Appeal

CSC Docket No. 2020-481

ISSUED: OCTOBER 25, 2019 (JET)

Erick Schoenberger requests to file an application after the announced closing date for the promotional examination for Campus Police Officer Recruit (PS0042J), Kean University.

By way of background, Schoenberger’s permanent underlying title is Security Officer and he has been provisionally serving in the subject title since January 4, 2019. The subject announcement was issued on July 1, 2019 with a closing date of July 22, 2019, and it was open to employees serving as a Security Officer or to any employees in the competitive division who met the requirements. Although the appointing authority directly notified Schoenberger to apply for the subject examination, he erroneously applied for the Law Enforcement Examination (LEE) (S9999A), as he had the mistaken impression that the LEE was the application for the subject examination. The LEE announcement was issued on July 1, 2019 with a closing date of August 31, 2019. That examination has not yet been held. A total of seven employees applied for the PS0042A examination which resulted in a list of three eligible, including one provisional, with an expiration date of October 2, 2020. The list has not yet been certified.

In his request, Schoenberger maintains that he mistakenly applied for the LEE (S9999A) rather than the subject examination. He now requests to apply for the PS0042J examination after the closing date, as that was his actual intention. Moreover, he contends that he cannot be permanently appointed to the subject title if he is not admitted to the examination.

Official personnel records indicate that the appellant continues to serve as a provisional Campus Police Officer Recruit.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides that applications must be filed no later than the announced filing deadline. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, Schoenberger asserts that he mistakenly applied for the LEE (S9999A) and he intended to apply for the subject examination. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). Further, since there is a provisional serving on the list, it can be assumed that the appointing authority will appoint at least one eligible from the list. Thus, the Campus Police Officer Recruit (PS0042A) list will be incomplete. Therefore, the Commission finds that there is good cause to relax *N.J.A.C.* 4A:4-2.1(e) and allow Schoenberger to submit the attached application and application fee for the Campus Police Officer Recruit (PS0042J) examination. Upon Agency Services' acceptance of his application, he shall be scheduled for a make-up examination and upon passing, will be added to the eligible list for prospective employment opportunities only.

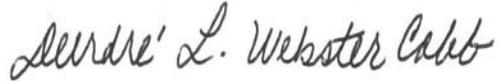
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this request be granted, and Erick Schoenberger be permitted to submit an application for the Campus Police Officer Recruit (PS0042J) examination. It is further ordered that Mr. Schoenberger submit a promotional application and the \$25.00 application processing fee to the Division of Agency Services. The application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Upon receipt of the application and processing fee, it is ordered that his application be processed as indicated above. Finally, if Mr. Schoenberger's application and the required payment are not postmarked on or before the 15th day after the issuance date of this decision, he will not be entitled to have an application for the subject examination processed.

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 23rd DAY OF OCTOBER, 2019



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