



STATE OF NEW JERSEY

In the Matter of Erika Vicente, Police
Lieutenant (PM0952A), Paterson

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

CSC Docket No. 2020-762

Examination Appeal

ISSUED: October 29, 2019 (JH)

Erika Vicente requests that she be permitted to submit an application for the promotional examination for Police Lieutenant (PM0952A), Paterson, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on July 1, 2019 with an application filing deadline of July 22, 2019 and all applications had to have been received by that date. It is noted that the subject examination was administered on October 10, 2019.

On appeal, Vicente indicates that she was on leave from December 25, 2018 until August 14, 2019. She argues that “upon my return on 08/14/2019, I was informed that I had missed the cut off date for the lieutenant’s promotional exam coming up in [October].”

In a letter dated October 1, 2019, Captain Michael Campanello, City of Paterson Police Department, indicates that “notification for the exam was posted for eligible agency members utilizing both intra-agency email and digital records management and digital management systems (DMS). Further, hard copies of the announcement were also conspicuously posted in select areas of police headquarters.” Captain Campanello further indicates that he “can attest and verify that [Vicente] was indeed out sick for a protracted period of time which included the

filing period of July 1st thru July 22, 2019.”¹ He explains that “there is currently no department policy requiring officers who are out sick to pickup/review their emails or their DMS posts nor is there a process for delineating who is responsible for notifying agency members of promotional announcements and deadlines while they are out. To that end, it is unlikely that she was formally contacted by agency members regarding this issue. In the future, we will establish additional protocols to address exam announcements and notifications for those individuals who are on extended leave due to illness or injury. In fundamental fairness to [Vicente], I cannot verify with any degree of reasonable certainty that she was ever contacted about the promotional opportunity during her absence. I can attest that my office did not contact her.”

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.

In the present matter, Captain Campanello indicates that currently, there is no departmental policy for contacting eligibles who are out on leave for extended periods and it is unlikely that Vicente was notified of the subject announcement. Furthermore, there is no evidence in the record that the appointing authority attempted to contact Vicente while she was on leave to ensure that she was aware of the subject announcement. *See In the Matter of John Unger* (MSB, decided January 17, 2007) and *In the Matter of Mark Prior* (CSC, decided July 11, 2012). Moreover, Captain Campanello verifies that Vicente was on leave during the entire

¹ In this regard, Captain Campanello submits a copy of Vicente’s Paterson Police Department time sheet for July 2019 which indicates that she was out on leave for the entire month.

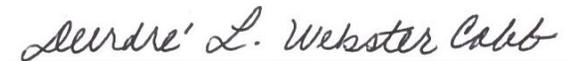
application filing period, as evidenced by her Paterson Police Department time sheet. Accordingly, based on equitable grounds, it is appropriate to relax the provisions of *N.J.A.C. 4A:4-2.1(e)* and permit Vicente to file an application, a copy of which is enclosed.

ORDER

Therefore, it is ordered that this appeal be granted. It is further ordered that the completed application and required \$50.00 application processing fee should be forwarded to: New Jersey Civil Service Commission, Division of Agency Services, P.O. Box 322, Trenton, New Jersey 08625-0322. The completed application and processing fee must be postmarked no later than 15 days from the issuance date of this decision. Failure to file the application and processing fee within the time provided will result in rejection from the examination process. Finally, upon determination of eligibility, the appellant be admitted to the subject 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 23RD DAY OF OCTOBER, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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c: Erika Vicente (with blank application enclosure)
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