



STATE OF NEW JERSEY

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

In the Matter of William Daly,
County Correction Lieutenant
(PC2914W), Bergen County

Examination Appeal

CSC Docket No. 2019-1957

ISSUED: APRIL 25, 2019 (ABR)

William Daly requests to be permitted to submit an application for the promotional examination for County Correction Lieutenant (PC2914W), Bergen County after the filing deadline.

By way of background, the announcement for the subject examination was issued on November 1, 2018 and had a closing date of November 21, 2018. A total of 20 applicants were admitted to the subject examination, which is scheduled to be administered on May 2, 2019. Agency records indicate that the petitioner, a County Correction Sergeant, submitted an application for the Sheriff's Officer Lieutenant (PC2940W), Bergen County examination on November 15, 2018.

The petitioner states that he did not recognize that he mistakenly submitted an application for the PC2940W examination until the closing date for the subject examination passed. He acknowledges that he was responsible for this oversight. However, he argues that because he filed an application during the application period, albeit for the wrong examination, granting his request would not give him an unfair advantage over other applicants.

It is noted that the appointing authority submits a letter in support of the petitioner's request.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides that unless otherwise provided for by the Chairperson of the Civil Service Commission (Commission) or designee, applications for open competitive examinations shall be submitted to the Commission no later than 4:00 p.m. on the announced application filing date.

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 instant matter, the petitioner acknowledges that he was at fault for submitting an application for the wrong examination. In *In the Matters of Supervising Family Service Specialist 2 (PS1035K), Supervising Family Service Specialist 2 (Bilingual in Spanish and English (PS1036K), Supervising Family Service Specialist 1 (PS1032K), Supervising Family Service Specialist 1 (PS1015K), and Family Service Specialist 1 (PS2267K), Department of Children and Families (CSC, decided October 19, 2016)*, the Commission determined that it would not permit applicants who submit an application for an incorrect examination symbol to file a late application for the correct symbol. *See also In the Matter of Anna Lessard (CSC, decided July 18, 2018)*. In particular, it observed that numerous warnings exist to ensure that candidates use the proper symbol when applying, including an automatic email after completing the online application which confirms that their application has been received by this agency and lists, among other things the *title name, promotional symbol*, closing date and jurisdiction for the promotion. Here, the petitioner has admitted that he was solely responsible for applying for the wrong examination and he offers no explanation which overcomes the various warnings he was provided while applying for the examination. Accordingly, the petitioner has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this request 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 24TH DAY OF APRIL, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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