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STATE OF NEW JERSEY

In the Matter of Michael Tobin, Administrative Analyst (M0864R), West New York FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-717

Examination Appeal

ISSUED:

NOV 2 0 2014

(BS)

Michael Tobin appeals the decision of the Division of Selection Services denying his request for a make-up for the open-competitive examination for Administrative Analyst (M0864R), West New York.

By way of background, the appellant was initially scheduled to take the subject test on July 10, 2014 at 6 p.m. at Paramus Catholic High School and was notified of same on June 25, 2014. The appellant had pre-existing plans to be out-of-state on that date in California. The appellant requested a make-up examination which the Division of Selection Services (DSS) granted. The make-up examination was scheduled for July 24, 2014. However, the appellant was still away on his trip and remained unavailable. On August 12, 2014, the appellant requested another make-up but was denied by DSS because the request was received late, more than five days from the examination date.

On appeal, the appellant asserts that he was away from the period July 6, 2014 through July 28, 2014 and submitted documentation to support this. The appellant argues that he did not think a make-up examination would be scheduled so quickly and, had he realized this was a possibility, he would have submitted his entire trip itinerary with his initial request. He respectfully requests that a make-up examination be granted under these circumstances.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up examinations, except for police, fire and professional level engineering promotional examinations, may be authorized for the following reasons: (1) error by the Civil Service Commission or appointing authority; (2) serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons; (3) documented serious illness or death in the candidate's immediate family; (4) natural disaster; (5) prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation; and (6) other valid reasons.

A review of the record finds that the appellant received notice on June 25, 2014 to appear for the Administrative Analyst (M0864R) exam on July 10, 2014. As he was going to be out-of-state at that time on a pre-planned vacation to California, he requested a make-up examination. Since he provided documentation and it satisfied the criteria, his request for a make-up exam was granted. The make-up examination was then scheduled for July 24, 2014. The appellant did not provide his entire travel itinerary which indicated he would not be returning to New Jersey until July 28, 2014. After his return, by letter dated August 12, 2014, he requested another make-up examination, and submitted his entire trip itinerary in support of his request. This time, the Division of Selection Services denied his request since it was received more than five days from when he was notified of the July 24, 2014 make-up examination.

The Commission finds plausible the appellant's assertion that he did not realize the make-up examination would be scheduled so quickly. Additionally, the documentation supports the fact that the appellant would be out-of-state on a preplanned vacation to California for the period July 6, 2014 through July 28, 2014. Had the appellant had the foresight to submit all of this information initially, a make-up examination would have be scheduled for a later date. However, the appellant did attempt to rectify the situation. The Commission is also mindful that even if the appellant had requested a make-up examination the day he returned from his trip, the request would have still be considered untimely by the Division of Selection Services. Under these unique circumstances, the Commission finds that the appellant should be granted a make-up examination.

ORDER

Therefore, it is ordered that this appeal be granted 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 19TH DAY OF NOVEMBER, 2014

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