

## STATE OF NEW JERSEY

In the Matter of Rudolph Danna III, Fire Captain (PM1024V), Bridgeton

CSC Docket No. 2018-1714

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**Examination Appeal** 

**ISSUED:** April 2, 2018 (RE)

Rudolph Danna III appeals the determination of the Division of Administrative Support and Logistics denying his request for a make-up examination for Fire Captain (PM1024V), Bridgeton.

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The appellant was scheduled to take the subject examination at 9:00 a.m. on November 18, 2017. On October 6, 2017, the appellant requested a make-up examination stating that he had committed to a deer hunt with his father, who was ill, in Indiana. He stated that in November 2015 he booked a hunting trip that cost \$5,000 and was non-refundable. He provided the reservation confirmation from November 17 to 23, 2017 in Indiana and stated that the trip was paid in full in March 2016. The Division of Administrative Support and Logistics denied this request as it did not meet that criteria listed in *N.J.A.C.* 4A:4-2.9. On appeal, the appellant indicates that he contacted Civil Service Commission staff who assured him he would receive a make-up examination.

N.J.A.C. 4A:4-2.9(b), (Make-up examinations), provides that make-up examinations for professional level engineering, police, fire, correction officer, sheriff's officer, juvenile detention officer, and other public safety promotional examinations may be authorized only in cases of: 1) Debilitating injury or illness requiring an extended convalescent period provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination; 2) Death in the candidate's immediate family as evidenced by a copy of the death certificate; 3) A candidate's wedding which cannot be reasonably changed

as evidence by relevant documentation; 4) When required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A) or 5) Error by the Civil Service Commission or the appointing authority. It is noted that seven candidates took the written portion of the examination.

## CONCLUSION

The record establishes that the appellant was scheduled to take the examination on November 18, 2017 at 9:00 a.m. and did not do so. A review of the confirmation indicates that the reservation could not be refunded, but it does not state that it could not be rescheduled. Nevertheless, the Civil Service Commission publishes an Examination Information Alert (EIA) regarding fire promotional announcement and testing schedules. An EIA issued in January 2017 indicated that the tentative month of the written examination was October or November 2017. Thus, the appellant scheduled and paid for this trip prior to notice that the exam would be announced or scheduled. Prior travel plans outside of New Jersey or any contiguous state is not provided for in these rules and the appellant was faced, essentially, with a scheduling conflict. Nevertheless, the appellant provided confirmation that he was staying at a hunting lodge in Indiana on the day of the examination, he had paid for the trip in May 2016, prior to issuance of the EIA, and there were no refunds given. Based on the unique facts of this case, good cause exists to afford the appellant a make-up examination for prospective appointment consideration only. It is noted that the appellant will not receive the same examination as that originally given and that the make-up examination may be given with the next administration of a test for this title.

## ORDER

Therefore, it is ordered that this appeal be granted, and that the appellant be given a make-up examination for prospective appointment consideration only.

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 27<sup>TH</sup> DAY OF MARCH, 2018

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Deirdre L. Webster Cobb Acting Chairperson

Civil Service Commission

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