

**STATE OF NEW JERSEY** 

In the Matter of	• • • •	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION		
Christopher Scaletti,	:			
Fire Captain (PM1046V), Newark CSC Docket No. 2018-1639	: : :	Examination Appeal		
	:			
	:			
		<b>ISSUED:</b>	April 2, 2018	(RE)

Christopher Scaletti appeals the determination of the Division of Agency Services denying his request for a make-up examination for Fire Captain (PM1046V), Newark.

The appellant was scheduled to take the subject examination at 9:00 a.m. on November 18, 2017. On November 13, 2017, the appellant requested a make-up examination stating that he had committed to attending a banquet awards ceremony for his son's championship in motorcross. He stated that nine weeks prior to the event and the examination, his son had open-heart surgery, and two weeks prior he had wrist surgery. Thus, this could be his son's last awards banquet. He provided documentation of the surgeries and a reservation confirmation from November 17 to 19, 2017 in Ohio, as well as additional information regarding the event. The reservation confirmation of the convention center is dated September 15, 2017. 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, Scaletti indicates that his hotel reservations were non-refundable, and so were the awards banquet tickets. He states that he reserved his room in mid-September.

*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 this examination was competitive with 206 admitted candidates.

## 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 resort confirmation does not indicate that the reservation could not be cancelled or rescheduled. 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. As such, the appellant was on notice that the exam would be given in one of these months. Even so, he made reservations in September 2017 for this event. The fact that the appellant's family members also made plans to attend the award does not establish that the appellant could not change his plans. While this was a life event that could not be replicated, prior travel plans outside of New Jersey or any contiguous state is not provided for in these rules as a basis to grant a make-up for fire promotional examinations. Scaletti was faced, essentially, with a scheduling conflict that he initiated after being put on notice of the tentative test date, which is not a valid reason for a makeup. See e.g., In the Matter of Rose Messere (MSB, decided May 5, 2004) and In the Matter of Douglas Green, Elida Ortiz and Elba Rosario-Diaz (MSB, decided July 13, 2011). As such, the circumstances presented by the appellant do not meet the above noted criteria.

A thorough review the record indicates that the appellant has failed to support his burden of proof in this matter.

## ORDER

Therefore, it is ordered that this appeal 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 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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