



STATE OF NEW JERSEY

In the Matter of Stacy Nappi,
Taxpayer Service Representative 1
(PS6097U), Department of the
Treasury

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

CSC Docket No. 2019-1759

Examination Appeal

ISSUED: APRIL 2, 2019 (RAM)

Stacy Nappi appeals the determination of the Division of Administrative Services (Administrative Services) to deny her request for a make-up examination for Taxpayer Service Representative 1 (PS6097U), Department of the Treasury.

A review of agency records reveals that the examination for Taxpayer Service Representative 1 (PS6097U) was held on November 29, 2018. A total of 10 applicants applied for the subject examination that resulted in an employment roster of eight eligibles with an expiration date of December 26, 2021. It is noted that the eligible list, which promulgated on December 27, 2018, was certified four times on December 28, 2018 to various locations. A total of four appointments were made from the certifications.

On appeal to the Civil Service Commission (Commission), the appellant states that she contacted Administrative Services and requested a make-up examination due to the death of her uncle. She further indicates that she was advised by someone that an uncle was considered an immediate family member. Upon receiving a letter of denial, she contacted Administrative Services again and was given different information regarding who is considered immediate family. The appellant explains that she considers her uncle as an immediate family member and that she needed to attend his funeral service. In support of her appeal, the appellant provides a copy of an obituary that indicates that her uncle died on November 25, 2018, and a certificate of attendance from the funeral home stating that the funeral service would be held on November 29, 2018, the same day as the subject examination.

N.J.A.C. 4A:4-2.9(a), (Make-up examinations), provides that make-up examinations, except for professional level engineering promotional examinations and public safety promotional examinations, may be authorized for the following reasons: 1) Error by the Commission or the 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.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

CONCLUSION

In the present matter, the appellant requests a make-up examination due to the death of her uncle. *N.J.A.C.* 4A:4-2.9(b) provides that death in the candidate's immediate family is an acceptable reason for granting a make-up. *N.J.A.C.* 4A:1-1.3 defines immediate family as an employee's spouse, domestic partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household. Since an uncle is not one of the relatives covered by the regulatory definition of immediate family, Administrative Services correctly determined that the appellant had not met the criteria for a make-up examination and the request was properly denied.¹

The record establishes that the appellant was scheduled to take the subject examination on November 29, 2018, and did not take the examination. The record includes an obituary that indicates the appellant's uncle died on November 25, 2018, and a certificate of attendance that indicates that the funeral service would be held on November 29, 2018. Although the appellant's circumstances do not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9(a), based on the record, good cause exists to relax the governing provision. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals

¹ It is noted that an amendment to *N.J.A.C.* 4A:1-1.3 was proposed on February 19, 2019, defining "immediate family" to include "any other individual whose close association with the employee is the equivalent of a family relationship, such as a step-relative."

are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Thus, the appellant should be provided with a make-up examination.

ORDER

Therefore, it is ordered that this appeal be granted.

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 27th DAY of MARCH, 2019



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