

CSC
B-9



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Barbara Belusik,
Taxpayer Service Representative 3
(PS2142U), Department of the
Treasury

Examination Appeal

CSC Docket No. 2015-463

ISSUED: **OCT 01 2014** (HS)

Barbara Belusik appeals the decision of the Division of Selection Services (Selection Services) denying her request for a make-up examination for Taxpayer Service Representative 3 (PS2142U), Department of the Treasury.

The subject examination was administered on July 24, 2014 and consisted of 70 multiple choice questions. The examination resulted in a list of 43 eligibles and has an expiration date of September 24, 2017. It is noted that the appellant is one of 48 provisional appointees to the subject title. In her request to Selection Services, the appellant noted that she was out of work on temporary disability following back surgery on May 29, 2014. In support of her request, the appellant submitted the following documents: her claim for disability benefits form; a letter from Dr. Jeffrey Gleimer stating that the appellant was scheduled for surgery on May 29, 2014 and was anticipated to return to work on November 29, 2014; and a notice from the Department of Labor and Workforce Development, Division of Temporary Disability Insurance finding the appellant eligible for benefits. Selection Services denied the request because the submitted documentation did not substantiate the request.

On appeal, the appellant states that she injured her back and hip in February 2013 and has been undergoing treatment for ongoing pain. She reiterates that she underwent back surgery on May 29, 2014 and asserts that she is unable to ride, sit or stand for more than 30 minutes at a time. In support, the appellant submits a letter from Dr. Mohsen Kalliny, another of the appellant's doctors, dated

August 5, 2014 stating that the appellant was "unable to take the Civil Service test on July 24th" because she is unable to sit for extended periods of time" and noting that she is out on disability. The appellant requests that she be permitted to take the test once she is able to return to work.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up examinations, except for professional level engineering promotional examinations and public safety open competitive and 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; (6) when required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); and (7) other valid reasons.

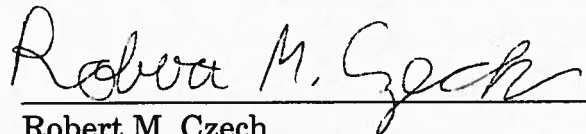
In the present matter, the appellant submits a letter from one of her doctors indicating that the appellant could not take the subject examination due to an inability to sit for extended periods of time. In the same letter, her doctor also indicates that the appellant continued to be out of work on disability. The documentation submitted shows that the appellant's condition precluded her participation in the examination on the test date. Additionally, the list only contains the names of 43 eligibles, but agency records indicate that 48 employees, including the appellant, continue to serve provisionally in the title under test. Under these circumstances, the appellant should be permitted to take a make-up examination.

ORDER

Therefore, it is ordered that this appeal be granted, the appellant be scheduled for a make-up examination, and if she achieves a passing score, her name be added to the list for prospective employment opportunities 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 1ST DAY OF OCTOBER, 2014



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