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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Amanda Kurdyla,
Social Services Technician (C0015S),
Passaic County

Make-up Examination Appeal

CSC Docket No. 2015-289

ISSUED: NOV 19 2014 (LH)

Amanda Kurdyla appeals the determination of the Division of Selection Services (Selection Services), denying her request for a make-up examination for Social Services Technician (C0015S), Passaic County.

By way of background, the examination for the subject title was announced with a closing date of January 6, 2014. Two hundred and sixty six applicants were admitted to the written examination on July 10, 2014. Notices were sent out to applicants on June 19, 2014 notifying them of the date of the examination. On June 25, 2014, the appellant requested a make-up examination stating that she had a scheduling conflict with the examination date. Specifically, the appellant stated that she had a pre-scheduled vacation from July 10, 2014 through July 13, 2014 in Dewey Beach, Delaware. In support, she submitted a copy of the rental agreement of the property she would be staying at from July 10, 2014 through July 13, 2014. On July 10, 2014, Selection Services denied her request for a make-up examination stating that she had not submitted documentation to substantiate that she would be out of the Tri-State area on the examination date.

On appeal to the Civil Service Commission (Commission), the appellant essentially reiterates the arguments she submitted to Selection Services and submits a copy of the rental agreement for the property she stayed in for her vacation. Additionally, she argues that she had entered into the rental agreement in January 2014, and that Delaware is not part of the Tri-State Area. Furthermore, she maintains that she did not receive the determination denying her request until July 14, 2014, four days after the examination was scheduled.

CONCLUSION

N.J.A.C. 4A:4-2.9(a), Make-up Examinations, 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 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.

The record establishes that the appellant was scheduled to take the examination on July 10, 2014 and did not do so. Prior to the examination, the appellant requested a make-up as she was outside of New Jersey on a three night pre-scheduled vacation. The appellant provided confirmation that she was staying at a rental property in Delaware on the day of the examination, and she had paid a non-refundable deposit in January 2014. To that end, the vacation plans could not reasonably be changed as she would miss at least one day of the three-day vacation to take the examination on the evening of July 10, 2014. In addition, although Delaware is a contiguous state, the vacation was a several hour drive from the examination site (Bloomfield) in New Jersey. *See In the Matter of Patrick Childs* (CSC, decided September 17, 2014) (Several hour drive from mid-Pennsylvania in conjunction with vacation plan that could not be reasonably changed warranted granting a make-up) Based on the unique facts of this case, good cause exists to afford the appellant a make-up examination under *N.J.A.C.* 4A:4-2.9(a)6 for prospective appointment only. It is noted that the appellant may not receive the same examination 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 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 19TH DAY OF NOVEMBER 2014**

Robert M. Czech

**Robert M. Czech
Chairperson
Civil Service Commission**

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**c: Amanda Kurdyla
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