

B-10



STATE OF NEW JERSEY

In the Matter of James Huang,
County Correction Sergeant
(PC2074R), Burlington County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-80

Examination Appeal

ISSUED: **DEC 08 2014** (JH)

James Huang appeals the determination of the Division of Selection Services denying his request for a make-up examination for County Correction Sergeant (PC2074R), Burlington County.

By way of background, the subject examination was administered on June 11, 2014 and consisted of 80 multiple choice questions. Mr. Huang submitted a request dated June 12, 2014 for a make-up in which he indicated that he sustained an injury "which required seeking immediate[e] medical care at the Kennedy University Hospital (Emergency Room) . . ." In support of his request, he submitted a copy of a Work/School Release form from The Kennedy Memorial Hospital Emergency Department dated June 11, 2014 which indicates that Mr. Huang was seen in the emergency room on June 11, 2014 and that he could return to work on June 12, 2014. By letter dated June 23, 2014, the Division of Selection Services denied his request.

On appeal, Mr. Huang indicated that he was unable to take the subject test due to an injury that occurred on "June 06, 2013." He stated that he "couldn't attend the test because I fell and landed on my wrist and shoulder very hard and was having lots of pain." When asked by Division of Appeals and Regulatory Affairs (DARA) staff in a letter dated July 25, 2014, to clarify the date on which he sustained his injury, Mr. Huang provided a sworn statement dated August 6, 2014 in which he indicated that he was "unable to take the test on June 06, 2014 due to an injury that I have sustained on my wrist where I had to seek medical treatment at the Kennedy Hospital . . ." Subsequently, DARA staff, in a letter dated August

20, 2014, provided Mr. Huang with another opportunity to establish the date on which he sustained his injury. In a sworn statement dated August 29, 2014, Mr. Huang presents, "On the date of June 06, 2014, I sustained a left wrist injury, which resulted in me going to Kennedy Hospital, Emergency Room . . . on June 06, 2014. Therefore, I wasn't able to take the [S]ergeant's exam held on June 06, 2014, because of my wrist injury sustained on June 06, 2014."

CONCLUSION

The Orientation Guide provided that, pursuant to *N.J.A.C. 4A:4-2.9*, make-up examinations may be authorized only in cases of: (a) error by the Department of Personnel or appointing authority; (b) death in the candidate's immediate family as evidenced by a copy of the death certificate; (c) catastrophic injury or illness requiring an extended convalescent period,¹ 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, as well as documentation from the candidate's employer noting the candidate's related leave from work; (d) military leave, pursuant to *N.J.A.C. 4A:4-2.9(c)*; or (e) exoneration from pending disciplinary or criminal charges, pursuant to *N.J.A.C. 4A:4-2.9(d)*.

In the present matter, the documentation submitted by the appellant does not meet the above noted criteria. In addition, the Administration Guide indicated that "[a]ll requests for medical make-up examinations must be accompanied by the Civil Service Commission's *Medical Authorization for Make-up Examination form* (DPF-728), completed by the treating physician. The Medical Authorization for Make-up Examination form can be obtained through the Make-up Unit or from our web site at www.state.nj.us/csc/about/publications/forms." It is noted that the appellant did not submit a Medical Authorization form with his initial request. Furthermore, Mr. Huang was provided with two opportunities during the appeal process to clarify the date on which he sustained his injury. In this regard, it is noted that Mr. Huang indicated in his sworn statement dated August 29, 2014 that he injured his wrist on June 6, 2014, five days prior to the test administration date.

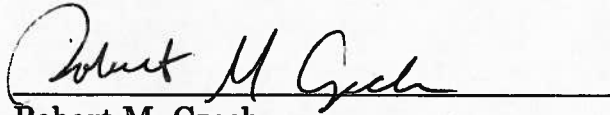
ORDER

Therefore, it is ordered that this appeal be denied.

¹ *N.J.A.C. 4A:6-1.22(b)* defines a catastrophic health condition or injury as a life-threatening condition or combination of conditions, or a period of disability required by an employee's mental or physical health or the health of the employee's fetus and requiring the care of a physician who provides medical verification of the need for the employee's absence from work for 60 or more work days.

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
THE 3RD DAY OF DECEMBER, 2014**



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

**Inquiries
and
Correspondence**

**Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312**

**c: James Huang
Dan Hill
Joseph Gambino**

THE DAY OF DEATH

THE DAY OF DEATH

THE DAY OF DEATH

THE DAY OF DEATH

THE DAY OF DEATH

THE DAY OF DEATH

THE DAY OF DEATH