

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joseph Longo III,
Entry-Level Law Enforcement
Examination (S9999R)

CSC Docket No. 2014-1834

:
:
:
:
:
:
:
:
:
:
:
:
:
:
:

Examination Appeal

ISSUED: DEC - 5 2014 (RE)

Joseph Longo III appeals the decision of the Division of Selection Services (DSS) which denied him a make-up examination for the Entry-Level Law Enforcement Examination (S9999R).

By way of background, the subject open competitive examination was administered on multiple dates over a several-week span to 26,847 admitted candidates. The appellant was scheduled to take the test at the Jersey City location on December 5, 2013 and did not appear to take the test. On December 9, 2013, Mr. Longo sent in a request for a make-up examination to the Division of Selection Services, explaining that he could not find a parking spot after 45 minutes of looking for one. He states that once he parked, he ran around the school but could not get in because the doors were locked and no one was there to let him in. DSS denied the request for failing to meet the make-up criteria. On appeal to the Commission, Mr. Longo adds that he parked his vehicle, at 6:15 pm, and could not get in the building. He states that he has also had less than one month to prepare for the exam while assimilating to civilian life, he obtained employment installing security cameras on the night shift, his grandmother passed away a few days after he returned home, and he is unfamiliar with Jersey City.

N.J.A.C. 4A:4-2.9(c), (Make-up examinations), provides that make-up examinations for police, fire, correction officer, sheriff's officer, juvenile detention officer, and other public safety open competitive and promotional examinations, may be authorized only in cases of: 1) death in the candidate's immediate family; 2) error by the Department of Personnel or the appointing authority; or 3) a

catastrophic health condition or injury, which shall be defined as either: i) a life-threatening condition or combination of conditions; or ii) a period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who provides a medical verification of the need for the candidate's absence from work for 60 or more work days.

Also, N.J.A.C. 4A:4-2.8 (Scheduling of examinations) states in pertinent part that candidates shall be at the examination site at the designated time, and that candidates for written examinations shall be admitted to the examination if they arrive at the test room within 15 minutes after the designated time. It is noted that the resultant eligible list of the names of 20,422 passing candidates was issued in May 2014.

CONCLUSION

The record establishes that appellant was scheduled to take the subject examination on December 5, 2013 and did not do so. The examination was scheduled for 6:00 pm, and the appellant did not arrive at the test center within 15 minutes of this time. The Center Supervisor keeps notes of incidents which occur at the center, and in this case, there was no note that the appellant arrived at the test center and was not admitted for being late. The ultimate responsibility for understanding how to get to a particular examination site can only rest with each candidate. *See In the Matter of Gary Toms* (MSB, decided July 17, 2002). In order to assist candidates, the CSC website provides directions to the various test centers utilized throughout the State, the Arrival Times/Late policy, as well as an information phone number that candidates can call for directions. In addition, the test notification that all candidates receive scheduling them for particular examination clearly provides the name and address of the testing facility. Thus, absent a clear material error, such as this agency informing a candidate to report to the wrong examination center, the fact that the appellant could not find parking at or near the test center is not a basis on which to excuse a candidate who is late in arriving at the examination center. *See In the Matter of David Feitelson* (MSB, decided March 9, 2005) and *In the Matter of the Emanuel Paige* (MSB, decided January 12, 2005). Notwithstanding all advisory information provided to prospective candidates, the ultimate responsibility for getting to a particular examination site on time can only rest with each candidate.

In addition, the appellant has not met the criteria for a make-up examination. The appellant submits copies of his Certificate of Release or Discharge from Active Duty (DD214), his Notification of Veterans Status, his grandmother's death certificate indicating the date of death of November 18, 2013,

and the letter of denial from DSS. This documentation does not establish that the appellant met the make-up criteria outlined in *N.J.A.C. 4A:4-2.9*. In his initial request, the appellant mentioned only that he had arrived late due to a lack of parking, and could not get in the building. On appeal, the appellant brings up the issues of his veteran status and recent discharge, and his grandmother's death.

The appellant was discharged from the Marines on November 6, 2013, a month before the test date. The appellant argues that he had less than one month to prepare for the exam; however, the appellant had the same amount of time to prepare for the examination as all other candidates, after filing an application by the September 4, 2013 closing date. In addition, the 2013 Entry-Level Law Enforcement Examination Administration Guide was available online to all candidates, and included information regarding where candidates could learn more about the examination and how to prepare for it. Also, the appellant asked for a make-up exam, which indicates that he would have expected to take the examination.

In addition, the appellant did not bring up the issue of his grandmother's death until his request had been denied. His grandmother died on November 18, 2013, and the appellant stated that this caused him stress, but he provides no further details. He does not explain how this event affected his ability to get to the test center, and he has produced no evidence of attending a funeral on the examination date. Nor does he claim that he missed the examination due to this circumstance. Moreover, there is no basis on which to relax the controlling provision in this case since the employment roster is complete. Under the totality of circumstances, the appellant's situation does not meet the criteria for a make-up examination.

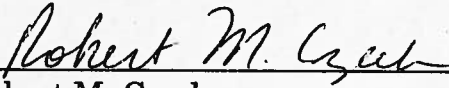
A thorough review of the record indicates that the appellant has failed to meet his burden of proof in this matter.

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
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: Joseph Longo III
Terri Keiper