

B-13



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jesse Vega,
Clerk 2 (M0841R), East Orange

CSC Docket No. 2015-332

Administrative Appeal

ISSUED: DEC 05 2014 (JET)

Jesse Vega requests a make-up for the open competitive examination for Clerk 2 (M0841R), East Orange.

By way of background, the subject multiple choice examination was conducted on April 10, 2014. The examination consisted of 60 questions and candidates were required to answer 33 questions correctly in order to achieve a minimum passing score of 70.00. The appellant participated in the examination and answered 32 questions correctly. Thus, he did not achieve a passing score. It is noted that 26 participated in the subject examination that resulted in a list of 17 eligibles with an expiration date of June 4, 2017.

In his request for a make-up dated July 28, 2014, the appellant states that his mother passed away "last month" and that he struggled reading and understanding the test directions and questions. Therefore, the appellant requests that he be granted a make-up as he is still interested in the position.

According to agency records, the appellant requested and was granted the reasonable accommodation of an American Sign Language (ASL) interpreter for the instruction portion of the examination.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up 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; or (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; and (7) other valid reasons.

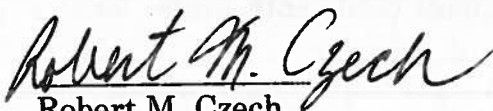
In the instant matter, there is no remedy that can be fashioned for the appellant. Initially, make-up examinations are for candidates who do not take the examination when it is originally administered. The appellant participated in the examination and was exposed to the test material. Thus, had the appellant raised the issue of the passing of his mother before he was exposed to the test material, he may have been eligible for a make-up examination. Additionally, providing a make-up to the appellant at this time would give him an unfair advantage over the other candidates who participated in the test as he would be permitted to take the same examination a second time. Moreover, the record reflects that the appellant was appropriately provided with an accommodation during the instructions portion of the examination and there is nothing in the record indicating that he raised the issue of his understanding of the instructions at the test center during the administration of the examination. As such, while the Commission empathizes with his situation, there is no basis on which to grant him a make-up examination.

ORDER

Therefore, it is ordered that this request 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 ON
THE 3rd DAY OF DECEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

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