

B-17



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of Patrick Childs,
Crew Supervisor Mechanics
(PS1453T), Department of
Transportation

CSC Docket No. 2015-336

ISSUED: SEP 18 2014

(RE)

Patrick Childs appeals the denial of his request for a make-up examination for Crew Supervisor Mechanics (PS1453T), Department of Transportation.

The appellant was scheduled to take the subject examination on July 10, 2014. When he received his notification, he requested a make-up examination, stating that he would be on a preplanned vacation in Gettysburg, Pennsylvania. He was attending "Gettysburg Bike Week," a four-day motorcycle event held from July 10 to 13, 2014. He provided a confirmation from a camping resort dated April 10, 2014 which indicated that he would be there from July 10 to 13, 2014. The confirmation also stated that all packages were final and there were no refunds. The Division of Selection Services (DSS) denied this request as it did not meet that criteria listed in *N.J.A.C. 4A:4-2.9*. Specifically, they stated that no documentation was submitted which indicated that he was out of the "Tri-State area" on the day of the examination.

On appeal, Mr. Childs states that he understood "Tri-State area" to mean New Jersey, New York and Connecticut. He points out that he traveled outside of this area to get to Gettysburg, Pennsylvania from his home in Forked River, New Jersey which, for him, was a four-hour drive. He argues that his vacation plans could not be reasonably changed as he would lose his payment, and it was a scheduled event which occurred only once a year. It is noted that 50 candidates passed the examination, the eligible list has been certified twice, and no appointments have yet been made.

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.

CONCLUSION

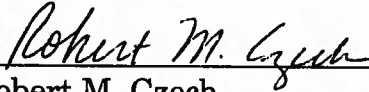
The record establishes that the appellant was scheduled to take the examination on July 10, 2014 and did not do so. Prior to the examination, the appellant requested a make-up as he was attending a four-day event which occurred once a year in Gettysburg, Pennsylvania. DSS denied this request. The appellant provided confirmation that he was staying at a camping resort on the day of the examination, he had paid for his camping in April 2014, and there were no refunds given. More compelling is the fact that the appellant was attending an event that occurs only once a year. To that end, the vacation plans could not reasonably be changed, as he would miss at least one or two days of the four-day event to take the examination on the evening of July 10, 2014. In addition, although Pennsylvania is a contiguous state, the event was a several hour drive from the appellant's area in New Jersey. 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
THE 17th DAY OF SEPTEMBER, 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: Patrick Childs
Michele Shapiro
Dan Hill
Joseph Gambino