

B-13



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sharon Hamilton,
Supervisor 2 Unemployment Benefits
(PS2835N), Department of Labor

Examination Appeal

CSC Docket No. 2014-3209

ISSUED: **MAR 10 2015** (LDH)

Sharon Hamilton requests a make-up for the Supervisor 2 Unemployment Benefits (PS2835N) examination.

By way of background, a promotional announcement for the subject examination was issued on October 1, 2013 with a closing date of October 21, 2013. The examination was announced opened to individuals who possessed one year of permanent service and were currently serving in the titles of; Claims Examiner Unemployment and Disability Insurance; Claims Examiner Unemployment and Disability Insurance Bilingual in Spanish and English; Senior Claims Examiner Unemployment and Disability Insurance; Senior Claims Examiner Unemployment and Disability Insurance Bilingual in Spanish and English; or Senior Technician Management Information Systems. The examination was held on May 20, 2014. The list promulgated on July 17, 2014 and expires on July 16, 2016. The list has been certified twenty seven times with six appointments and thirty five eligibles remain on the eligible list.

On appeal to the Civil Service Commission (Commission), the appellant requests a make-up examination. She argues she did not receive notice of the subject examination nor was the announcement posted at her office. She maintains that she wouldn't have missed an e-mail for the promotional examination. In support, the appellant submits a notarized statement under oath stating she did not receive any e-mail regarding the May 20, 2014 examination and that the notice was not posted at her office. In addition, she submits a resume.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) 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.

In the instant matter, the appellant has met her burden of proof. The appellant is serving in the title of Claims Examiner Unemployment and Disability Insurance. The appellant maintains she never received the appointing authority's e-mail notifying her of the scheduled date for the subject examination nor was a promotional announcement posted at her office. Furthermore, the appellant submits a notarized statement under oath stating that she did not receive any notice of the announcement of the subject title nor an e-mail for the subject examination. *See In the Matter of Salena Bradley* (CSC, decided July 16, 2014) (Commission restored appellant's name to the Correction Officer Recruit (S9988R) eligible list as she submitted a sworn notarized statement that she had not received the e-mail from the Department of Corrections notifying her of the date she was to appear for pre-employment processing). Accordingly, under these circumstances, the appellant has met her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant be allowed a make-up for the Supervisor 2 Unemployment Benefits (PS2835N) examination.

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 4th DAY OF MARCH, 2015

Robert M. Czech

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Chairperson
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