

B-21



STATE OF NEW JERSEY

In the Matter of Thomas Farrell,
Sheriff's Officer Captain (PC2156R),
Middlesex County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-3184

Examination Appeal

ISSUED: APR - 2 2015 (JH)

Thomas Farrell appeals the determination of the Division of Selection Services denying his request for a make-up examination for Sheriff's Officer Captain (PC2156R), Middlesex County.

By way of background, the subject examination was administered on May 8, 2014. Mr. Farrell filed a request on May 12, 2014, in which he explained that he fell ill on the test date. In support of his request, Mr. Farrell submitted a form from First Health dated May 8, 2014; a Medical Authorization for Make-up Examination form dated May 9, 2014; and a Middlesex County Leave History form which indicates that Mr. Farrell was on sick leave on May 8, 2014. In a letter dated May 29, 2014, the Division of Selection Services indicated that the appellant's request did not meet the criteria pursuant to *N.J.A.C. 4A:4-2.9*.

On appeal, Mr. Farrell indicates that due to an underlying condition, his illness on the test administration date left "no possible way I was capable of 1) traveling to the test site or 2) taking the test in the time allotted . . ." In support of his appeal, he submits additional documentation including a letter dated June 17, 2014 from Dr. Lewis Zinkin, the physician who had treated his underlying condition. In his letter, Dr. Zinkin explains that Mr. Farrell's illness would prevent him from being able to sit for the subject test.

CONCLUSION

N.J.A.C. 4A:4-2.9(c) provides that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Death in the candidate's immediate family;
2. Error by the Department of Personnel or appointing authority; or
3. A catastrophic health condition or injury, which is 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.

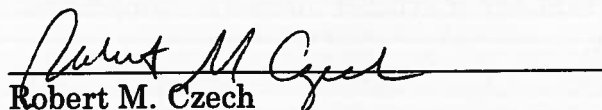
In the present matter, it is noted that the information Mr. Farrell presents does not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9. However, given that Mr. Farrell has provided a letter from Dr. Zinkin confirming that he was unable to sit for the test on the administration date, it is appropriate to relax the governing provision on equitable grounds. Thus, Mr. Farrell should be provided with a make-up examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant be scheduled for a make-up 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
THE 1ST DAY OF APRIL, 2015


Robert M. Czech
Chairperson
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and
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