



STATE OF NEW JERSEY

In the Matter of Eugene Marra,
County Correction Sergeant
(PC2080U), Middlesex County

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2017-3936

Examination Appeal

ISSUED: April 23, 2018 (JH)

Eugene Marra appeals the determination of the Division of Administrative Support and Logistics denying his request for a make-up examination for County Correction Sergeant (PC2080U), Middlesex County.

By way of background, candidates were sent notices dated April 27, 2017 that the examination would be administered on May 24, 2017. It is noted that Marra was scheduled to be tested at the Middlesex County Correctional Facility. On May 24, 2017, Mr. Marra filed a make-up request in which he indicated that he broke his right hand and that “work will not allow me in the building to take the exam.” In support of his appeal, he submitted a copy of a Seaview Orthopaedic and Medical Associates “Workers’ Comp Quick Note” form dated May 23, 2017 which provides a diagnosis and indicates that Marra does not have the use of his right hand. In a letter dated, June 9, 2017, the Division of Administrative Support and Logistics indicated that the appellant’s request did not meet the criteria pursuant to *N.J.A.C. 4A:4-2.9*.

On appeal, Marra presents that he was on leave due to a work-related injury on the exam administration date. He explains that he “was going to attempt to take the County Correction Sgt. exam with my left hand, since it is a scantron style exam. The day before the exam I was seen by a worker comp doctor and my right hand was in a full cast, no use of my right hand . . . The next morning, I received a phone call from my Administrative Lieutenant informing me that I would not be allowed to enter the building, my place of work, due to being out on injury. I immediately called the NJCSC and tried to resolve the problem. I was informed

that I needed to apply for a make up . . .” In support of his appeal, he provides additional documentation including a memorandum from Administrative Lieutenant Jeffrey Knight dated June 14, 2017 in which he indicates that “Officer Eugene Marra has been out of work since Tuesday, May 9, 2017 for an injury to his right hand that he sustained while at work. Until Officer Marra’s restrictions are lifted from Worker[s] Comp doctor, he is unable to work or enter the facility.”

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 Civil Service Commission 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 Marra presents does not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9. However, on the test administration date, Marra indicates that he was informed that he was not permitted to enter his work location which was also being used as the test administration site. A review of the record finds that Marra contacted the Division of Administrative Support and Logistics on the test date regarding this information but the Division of Administrative Support and Logistics was unable to provide alternative arrangements. Furthermore, Marra has provided verification from his Administrative Lieutenant that he was not permitted to enter the facility. Given this and the extent of his injury, it is appropriate to relax the governing provision on equitable grounds. Thus, Marra 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 18TH DAY OF APRIL, 2018

Deidre L. Webster Cobb

Deidre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Eugene Marra
Michael Johnson
Records Center