

1. Debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination;
2. Death in the candidate's immediate family as evidenced by a copy of the death certificate;
3. A candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation;
4. When required for certain persons returning from military service (see *N.J.A.C. 4A:4-4.6A*); or
5. Error by the Civil Service Commission or appointing authority.

N.J.A.C. 4A:4-2.9(e) provides, in pertinent part, that a candidate must submit a written request for a make-up examination within five days after the examination date due to one of the valid reasons set forth.

The record establishes that the petitioner was scheduled to take the oral portion of the subject examination on March 19, 2022, and did so. The petitioner requested a make-up examination over two weeks later, stating that he had not been given ADA accommodations. Candidates are notified at the test center that appeals of test administration must be filed on the date of the examination. The petitioner took the examination and did not appeal this issue at the test center, but waited over two weeks. There are no provisions in the rules for a retest. Pursuant to *N.J.A.C. 4A:4-2.9(e)*, this appeal is untimely, and it is denied on those grounds.

Nonetheless, it is noted that, for reasons unknown, the petitioner's medical documentation could not be located. Nonetheless, the orientation guide for Fire Captain explains the ADA process. It states that:

Candidates who require special assistance or ADA accommodations for this exam must check the corresponding box on the "Preferences" tab of their application, regardless of whether or not they have previously been approved for accommodations with CSC in the past. Candidates who are indicating a need for accommodations for the first time will subsequently be contacted with further instructions.

Upon receipt of their exam notice with the test date, time, and location information, candidates who are already on file with CSC as being approved for accommodations must call (609) 292-4144 extension 1991001, in order to discuss the specifics of their accommodation needs for this exam.

The petitioner did not follow these instructions and request accommodations for the oral portion of the examination. Nor did he bring the matter to the attention

of the monitor at the test center. Instead, he chose to continue with the examination, and he responded to both scenarios in the allotted time. If he had alerted the monitor, the issue could have been looked into and he could have been provided with the extra time. If it could not be determined if he was entitled to the extra time, he would have given the phone number of the make-up unit, and told to file a make-up request. He would then have been administered the arriving scenario at the next administration, which would be next year. As the petitioner has already taken the examination, he can not be given the same examination again. This appeal is untimely and there is no basis to readminister the arriving scenario to the petitioner.

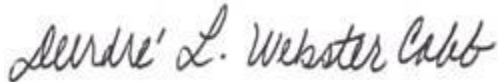
A thorough review the record indicates that the petitioner has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal 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 18TH DAY OF MAY, 2022



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