



STATE OF NEW JERSEY

In the Matter of Michael Companick,	:	FINAL ADMINISTRATIVE ACTION
Environmental Specialist 3	:	OF THE
(PS9148G), Department of	:	CIVIL SERVICE COMMISSION
Environmental Protection	:	
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	:	
CSC Docket No. 2024-836	:	Examination Appeal
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ISSUED: May 1, 2024 (HS)

Michael Companick requests a make-up examination for Environmental Specialist 3 (PS9148G), Department of Environmental Protection.

As background, the subject examination was scheduled for 6:00 p.m. on September 14, 2023. Candidates were sent notices dated August 24, 2023 informing them of the date, time, and location for the examination. The appellant requested a make-up examination, which was denied by the Division of Administrative and Employee Services as not satisfying the established criteria. A total of 14 applicants applied for the subject examination that resulted in an eligible list of nine names that promulgated on November 2, 2023 with an expiration date of November 1, 2026. It is noted that four eligibles were regularly appointed from the subject list, effective February 10, 2024.

On appeal to the Civil Service Commission (Commission), the appellant explains that he and a teammate participated in a 10-week competitive cornhole league in Toms River and that the championship night fell on the scheduled date for the examination. League rules required both the appellant and his teammate to be present to play for a chance to win \$800 to \$1,200. The appellant and his teammate split the \$200 league entry fee. The appellant maintains that had he not attended, his teammate would not have been allowed to play and they would have forfeited the entry fee, the previous nine weeks of play and expenses, and the chance to win up to \$1,200. The appellant insists that he did not make his decision lightly and maintains that it would not have been honorable for him to prevent his teammate from

competing. He argues that it is not reasonable for this agency to expect that employees may not have other obligations and responsibilities that could interfere with their ability to attend the examination on the scheduled date. The appellant contends that his circumstances should count as an “other valid reason” for a make-up.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides, in pertinent part, that make-up examinations may be authorized for the following reasons: (1) error by this agency 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; (6) when required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); and (7) other valid reasons.

In the instant matter, the Division of Administrative and Employee Services correctly determined that the appellant was not eligible for a make-up examination. Although he presents that he could not attend the scheduled examination because it conflicted with the championship night for a cornhole league in which he was participating, the appellant was essentially faced with a personal scheduling conflict. Generally, a personal scheduling conflict will not satisfy the uniform criteria for scheduling a make-up examination. The Commission does acknowledge that employees may have other obligations and responsibilities that could interfere with their ability to attend the examination on the scheduled date. However, it is reasonable to expect that those obligations and responsibilities will present sufficiently weighty reasons to justify granting a make-up examination. The Commission does not find that to be the case here, even accounting for the fact that the appellant’s nonparticipation in the cornhole championship would have meant that his teammate could not participate. As the facts of this matter essentially revolve around participation in a game, the Commission declines to grant the appellant a make-up examination pursuant to *N.J.A.C.* 4A:4-2.9(a)7.

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 1ST DAY OF MAY, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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