

B-15



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of Keith Jackson,
Building Maintenance Worker/
Security Guard (M0082R),
Irvington

CSC Docket No. 2014-2561

ISSUED: JUL 16 2014

(RE)

Keith Jackson appeals the denial of his request for a make-up examination for Building Maintenance Worker/Security Guard (M0082R), Irvington.

The appellant was scheduled to take the subject examination on March 20, 2014. On that day, he requested a make-up examination, stating that he was a resident of a halfway house, and was unable to leave the facility. He explained that his discharge/release date was estimated at May 12, 2014, and he asked for a make-up examination after his release. The Division of Selection Services (SS) denied this request as it did not meet that criteria listed in *N.J.A.C. 4A:4-2.9*.

On appeal, Mr. Jackson states that he has been a resident in a facility since February 11, 2014, and that this situation was not foreseeable since he had no prior knowledge when the examination would be scheduled. He states that his personal development and continued self-improvement to become a productive citizen of society should be recognized as just as important as vacation or travel plans that could not be changed. He submits a letter from a Program Counselor who verifies his enrollment in a residential treatment program from February 11, 2014 to May 12, 2014. The appellant notes that the letter he received from DSS listed the make-up criteria but did not include *N.J.A.C. 4A:4-2.9(a)6*. It is noted that 27 candidates passed the examination, the eligible list has been certified once, and no appointments have yet been made.

N.J.A.C. 4A:4-2.9(a), Make-up Examinations, 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.

CONCLUSION

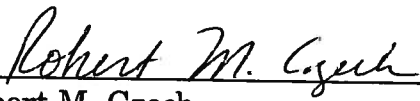
The record establishes that the appellant was scheduled to take the examination on March 20, 2014 and did not do so. On the day of the examination, the appellant requested a make-up as he was currently enrolled in a residential treatment program and could not leave. DSS denied this request. On appeal, the appellant submits a letter from a Program Counselor attesting to his residency and indicating that he was not permitted to exit the facility. The appellant had provided this letter to DSS. Generally, *N.J.A.C.* 4A:4-2.9(a)6 is reserved for the Commission to determine other valid reasons and, as such, DSS did not apply this criteria to this request. The appellant's argument that his continued self-improvement to become a productive citizen of society is compelling, and he clearly was not able to leave the residential treatment program on the examination date. Based on the unique facts of this case, good cause exists to afford the appellant a make-up examination under *N.J.A.C.* 4A:4-2.9(a)6. It is noted that the appellant may not receive the same examination and that the make-up examination will be given with the next administration of a test for this title.

ORDER

Therefore, it is ordered that this appeal be granted, and that the appellant be given 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 16th DAY OF JULY, 2014


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