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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Daniel Farnkopf,
State Park Police Officer Trainee
(PS0426G) Department of
Environmental Protection

Examination Appeal

CSC Docket No. 2016-745

ISSUED: **OCT 13 2015**

(RE)

Daniel Farnkopf requests a retest of the promotional examination for State Park Police Officer Trainee (PS0426G) Department of Environmental Protection. It is noted that the appellant failed the examination.

The appellant took the subject examination, the Law Enforcement Examination (LEE) on May 28, 2015, and he failed the examination. In a letter postmarked August 6, 2015, he requested a retest and asked for information regarding how he did not meet the minimum qualifications. Commission staff responded that the notification that he received was a standard response for any candidate who fails a written multiple-choice examination. All eligible candidates were required to take the same examination, and four candidates passed this exam. The appellant cannot be placed on the eligible list due to his test score.

The appellant responded that he would like to have his test score forgiven, and that he merits a retest. He states that he is a provisional in the subject title, has passed the Mercer County Police Academy and was sworn in.

N.J.A.C. 4A:4-2.9(c) provides, in pertinent part, 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.

It is noted that the eligible list was certified and four appointments were made.

CONCLUSION

Regarding the subject test, in order to be considered for an entry level law enforcement position, candidates were required to take and pass the subject test. *See e.g., N.J.S.A. 11A:4-13 and N.J.A.C. 4A:4-1.1(a).* Candidates who did not achieve a passing score received a "Notification of Ineligibility" which indicated the reason for ineligibility as "Below Minimum Rating in Written Part 1." The appellant cannot be placed on the eligible list due to his test score, and his provisional appointment has no bearing on this issue. He has taken the examination and, while candidates who have not taken the examination can be given a make-up examination under certain circumstances, there are no provisions in the rules for a retest. The appellant's situation does not meet the criteria for a makeup examination.

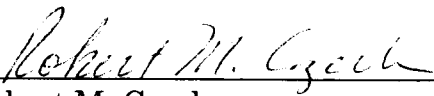
A thorough review the record indicates that the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this request 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
THE 7th DAY OF OCTOBER, 2015



Robert M. Czech
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