



## STATE OF NEW JERSEY

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Christopher Rizk, Entry-Level Law Enforcement Examination (S9999R)

CSC Docket No. 2014-1815

**Examination Appeal** 

ISSUED: DEC 17 2014

(RE)

Christopher Rizk appeals the decision of the Division of Selection Services (DSS) which denied him a make-up examination for the Entry-Level Law Enforcement Examination (S9999R).

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By way of background, the subject open competitive examination was administered over a period of several weeks to 26,847 admitted candidates. The appellant was scheduled to take the test on November 9, 2013 at 8:30 AM and did not appear to take the test. On November 14, 2013, Mr. Rizk sent in a request for a make-up examination to DSS, explaining that as he was driving to the exam, at approximately 7:00 AM, his car lost all power due to a bad ground to the battery. He stated that he called for a tow truck and was towed from Sayreville back to a mechanic shop in New Brunswick by 10:00 AM. He indicated that he immediately made arrangements to borrow a car to get to the testing site, hoping that he would be admitted into the exam. Prior to that, he tried calling the Civil Service Commission (Commission) phone number to explain his dilemma, but could not get through. He arrived at the testing site at 12:00 PM, with a copy of the tow bill, and the Center Supervisor advised him that he could not take the exam, but could file an appeal. He stated that she documented the reason why he had arrived late, and that he presented her with the tow bill. Since then, his car has been serviced and was diagnosed with a bad ground to the battery terminal. The appellant submitted a receipt indicating that this problem was fixed on November 11, 2013. He argued that he tried every possible way to take the exam that day, and that he has invested in a study course, which was costly, and had been studying very hard for the exam. DSS denied the request for failing to meet the make-up criteria. On appeal to the

Commission, Mr. Rizk reiterates this information and submits a copy of the towing report dated November 9, 2013 which indicated that the auto body shop had been called at 7:12 AM and the car was serviced at 8:45 AM.

N.J.A.C. 4A:4-2.9(c), (Make-up examinations), provides that make-up examinations for police, fire, correction officer, sheriff's officer, juvenile detention officer, and other public safety open competitive and promotional examinations, may be authorized only in cases of: 1) death in the candidate's immediate family; 2) error by this agency or the appointing authority; or 3) a catastrophic health condition or injury, which shall be 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 resultant eligible list of the names of 20,422 passing candidates was issued in May 2014.

## **CONCLUSION**

The record establishes that appellant was scheduled to take the subject examination on November 9, 2013 and did not do so. The examination was scheduled for 8:30 AM, and the appellant did not arrive until several hours later. In the present matter, the appellant has submitted documentation that his car was disabled on the morning of the test date, and that it was repaired two days later. 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)7 for prospective appointment only.

## <u>ORDER</u>

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 COMMISION THE 17th DAY OF DECEMBER, 2014

Robert M. Czech

Chairperson

Civil Service Commission

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