

B-14



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kelly Tobolski,
Data Entry Operator 2
(PS7139U), Department of the
Treasury

Examination Appeal

CSC Docket No. 2015-3150

ISSUED: **AUG 03 2015**

(RE)

Kelly Tobolski requests a makeup examination for the promotional examination for Data Entry Operator 2 (PS7139U), Department of the Treasury.

This examination was scheduled for February 19, 2015, and Notices of Examination were sent to all eligible candidates two weeks prior to the examination. The appellant had been admitted, but did not appear to take the exam. In an appeal postmarked May 30, 2015, the appellant stated that she had recently found out that the test had been administered and she was not made aware of it. She indicates that she filed an application and did not receive a Notification of Examination.

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 Department of Personnel 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.

Also, *N.J.A.C.* 4A:4-2.8 (Scheduling of examinations) states in pertinent part that candidates shall be at the examination site at the designated time. It is noted that 15 candidates passed the examination, the list has been certified once, and no appointments have yet been made.

CONCLUSION

The record establishes that appellant was scheduled to take the subject examination on February 19, 2015, and did not do so. The appellant argues that she did not receive her Notice of Examination, but she does not state that this was due to Civil Service Commission error. On June 22, 2015, the appellant was asked by staff to submit a signed, *sworn* affidavit that she was not notified of the subject examination. In response, the appellant submitted an unsworn notarized statement that she did not receive notification of the examination. Absent any other valid reasons, under these circumstances, it is not appropriate to schedule a make-up examination for Ms. Tobolski. The Notification of Examination was sent to the address provided by the appellant, and no error by the Commission is evident. Many candidates appeared for and passed the examination and the employment roster is complete. The appellant does not meet the standard for a make-up examination.

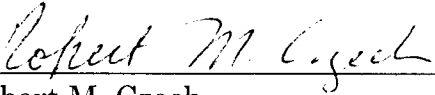
A thorough review of the record indicates that the appellant has not met her burden of proof in this matter.

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 29th DAY OF JULY, 2015



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