B-12

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Sean Napierkowski, Entry-Level Law Enforcement Examination (S9999R)

CSC Docket No. 2014-1874

Examination Appeal

ISSUED: DEC - 5 2014 (RE)

Sean Napierkowski 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).

By way of background, the subject open competitive examination was administered over a several-week period to 26,847 admitted candidates. The appellant was scheduled to take the test on November 9, 2013 and did not appear to take the test. On November 15, 2013, Mr. Napierkowski sent in a request for a make-up examination to the Division of Selection Services, explaining that his wife brings the mail in, but it was mistakenly placed where he never saw the Civil Service notification until Thursday evening 11/14/13, and he then realized he had missed the examination. He states that his younger brother also applied for the Entry-Level Law Enforcement Examination and received a test date of November 16, 2013. He states that his brother had called him regarding his test date, and he assumed they would have the same test date, and could go together. He noted that he is 33 years old.

DSS denied the request for failing to meet the make-up criteria. On appeal to the Commission, Mr. Napierkowski adds that he was actively involved as a student in the Mercer County Police Academy and had a very demanding schedule of physical training, academic classes as well as a continuation of preparation at home for the next day's required agenda. He states that he started at 4:30 a.m. every day and continued throughout to the evening hours with studying, homework, getting his uniform and shoes ready for the next day, and then going to bed very early, for

the required rest. He states that he was preoccupied with his agenda, routine, and dedication to the Police Academy.

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 the Department of Personnel 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 appellant has not met the criteria for a make-up examination. The appellant argues that he did not locate his Notice of Examination in his home prior to the test date, and assumed that the date was the same one as his brother's. Nevertheless, candidates maintain responsibility for accepting their mail after it has been delivered. The Notification of Examination was sent to the address provided by the appellant, and was not returned. No error by the Commission is evident.

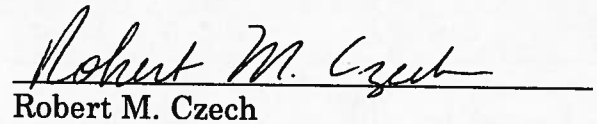
In his initial request, the appellant mentioned only that he did not locate his Notice of Examination in his home. On appeal, the appellant brings up the issue of a very demanding schedule. Although he presents that he is a student in the Mercer County Police Academy, the appellant was essentially faced with a personal scheduling conflict. Generally, a personal scheduling conflict does not satisfy the uniform criteria for scheduling a make-up examination. *See In the Matter of Rose Messere* (MSB, decided May 5, 2004) (Hosting a wedding rehearsal dinner for appellant's daughter was a scheduling conflict and not a valid reason to grant a make-up examination) and *In the Matter of Scott Hiltner* (MSB, decided August 11, 2004) (Inability to take the day off from work to participate in an open competitive examination is not a valid reason to grant a make-up examination). More than 20,000 candidates appeared for and passed the examination. The appellant does not meet the standard for a make-up examination.

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 COMMISION
THE 3rd DAY OF DECEMBER, 2014



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