B-14

STATE OF NEW JERSEY

In the Matter of Tisha Blanding-Williams, Human Services Specialist 1 (PC0200S), Hudson County Family Services	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
	:	Examination Appeal
CSC Docket No. 2014-3093	:	

ISSUED: JUL 17 2014 (SLK)

Tisha Blanding-Williams appeals the attached decision of the Division of Selection Services (Selection Services) which denied her request for a make-up examination for Human Services Specialist 1 (PC0200S), Hudson County Family Services.

A review of the record reveals that the examination for Human Services Specialist 1 (PC0200S) was administered on May 22, 2014 at 6PM in Bloomfield. The appellant, who was admitted to the examination, did not take the examination on that date. In this regard, she sent Selection Services a letter dated May 12, 2014 indicating that her graduation ceremony from college was scheduled to take place at the same exact time and date in Newark that the subject examination was being administered. Based on the provisions of *N.J.A.C.* 4A:4-2.9, Selection Services, in a letter dated June 6, 2014, denied the appellant's request for a make-up examination.

On appeal, the appellant argues that her request for a make-up examination should be granted for *other valid reasons* under *N.J.A.C.* 4A:4-2.9(a)7. She highlights that *N.J.A.C.* 4A:4-2.9(a)5 provides that a make-up examination may be authorized for 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. Therefore, she argues that her reason for the make-up examination request is analogous to the rationale that allows make-up examination requests to be granted under *N.J.A.C.* 4A:4-2.9(a)5 as she does not

have the authority to change the graduation date and time set by the college. She submits her letter to Selection Services requesting a make-up exam, a letter from the Deputy Director of the Division of Welfare in support of her request for a make-up exam, her notice to appear for the examination, college graduation commencement ticket, and other documents related to her academic achievements in support of her appeal. She asserts that she has been servicing clients for over 15 years and that this promotional opportunity will enable her to advance in assisting clients to the best of her ability.

CONCLUSION

N.J.A.C. 4A:4-2.9(a)5 provides that make-up examinations (except for professional level engineering promotional examinations and public safety open competitive and promotional examinations) may be authorized due to a candidate's "[p]rior 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." *N.J.A.C.* 4A:4-2.9(a)7 provides that make-up examinations may be authorized for other valid reasons. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission regulations may be relaxed for good cause in a particular situation.

While the appellant's situation is not exactly the same as described under *N.J.A.C.* 4A:4-2.9(a)5, the rationale is the same. The date and the time of her college graduation is set by the college, and the college is not going to reschedule the graduation based on an individual's conflict. Further, the Deputy Director of Welfare has submitted a letter which supports the appellant's request for a make-up examination. Moreover, the appellant's supporting information sufficiently documents that her college graduation and the test administration were being held at the exact same time. Significantly, agency records demonstrate that more than 30 employees are serving provisionally, pending open competitive examination procedures (PAOC) and only two employees are serving provisionally, pending promotional examination procedures (PAP), in the subject title. In other words, the subject promotional list of three eligibles is incomplete. In this regard, it must be emphasized the Civil Service law and rules favor utilization of promotional, rather than open competitive procedures, to fill positions in public service. Additionally, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when <u>more</u>, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). Therefore, it is appropriate to grant a make-up examination in this situation. However, the Commission notes that this determination is based on the particular facts and

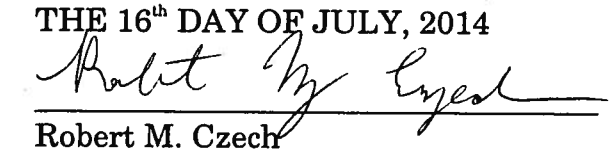
circumstances presented and should not be used as a precedent for any subsequent matter.

ORDER

Therefore, it is ordered that this request be granted. Tisha Blanding-Williams should be scheduled for the Human Services Specialist 1 examination as soon as possible and, if she achieves a passing score, her name should be added to the subject list for prospective employment opportunities only.

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 ON
THE 16th DAY OF JULY, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and
Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

Attachment

c. Tisha Blanding-Williams
Elinor Gibney
Dan Hill
Joseph Gambino

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
Division of Selection Services and Recruitment
P.O. Box 310
Trenton, New Jersey 08625-0310

CHRIS CHRISTIE
GOVERNOR

ROBERT CZECH
Chair/Chief Executive Officer

June 6, 2014

TISHA BLANDING-WILLIAMS
368-2 VAN HORNE STREET
JERSEY CITY NJ 07304

RE: PC0200S HMN SVCS SPCLST 1

Dear Candidate:

This is in reply to your correspondence concerning a make-up for the examination(s) noted above. Please note that the Civil Service Commission does not grant make-up examinations for reasons other than those listed below which are in accordance with N.J.A.C. 4A:4-2.9.

- Error by the Department of Personnel or appointing authority;
- 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;
- Documented serious illness or death in the candidate's immediate family;
- Natural disaster;
- 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;

Your request for a make-up of the above referenced examination is being denied because your reason for requesting the make-up examination doesn't meet the criteria listed above.

If you wish to appeal this decision you must submit a written appeal and a check or money order for $20, payable to NJCSC. Persons receiving public assistance and those qualifying for New Jersey Civil Service Veterans Preference are exempt from this fee. Please submit your appeal and payment to the Civil Service Commission, Division of Appeals and Regulatory Affairs, Written Record Appeals Unit, P.O. Box 312, Trenton, New Jersey 08625-0312, within 20 days of this notice. Your appeal must include all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. **PLEASE DO NOT TELEPHONE OR COME IN PERSON TO THIS OFFICE TO APPEAL THIS DECISION. ONLY WRITTEN APPEALS WILL BE ACCEPTED.**

Sincerely,

Denise Chiarlanza

Denise Chiarlanza
Make-up Unit