



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andrew Murray,
County Park Ranger (C0573T),
Burlington County

Examination Appeal

CSC Docket No. 2016-4005

ISSUED: **OCT 21 2016** (HS)

Andrew Murray appeals the decision of the Division of Administrative Support and Logistics denying his request for a make-up examination for County Park Ranger (C0573T), Burlington County.

The subject examination was scheduled to begin at 6:00 p.m. on Thursday, April 7, 2016. Candidates were sent notices dated March 17, 2016 informing them of the date, time and location for the examination. The appellant was directed to an examination center in Cherry Hill. He requested a make-up examination, stating that he was enrolled in a course requiring his attendance at the scheduled time of the examination. The Division of Administrative Support and Logistics denied his request as it did not meet the criteria listed in *N.J.A.C. 4A:4-2.9*.

On appeal, the appellant states that he serves as a volunteer fire fighter for Moorestown Township and that he was enrolled in a fire fighter training course at the Burlington County Emergency Services Training Center (ESTC) in Westampton. The course met every Tuesday and Thursday at 7:00 p.m. from February 11, 2016 to June 11, 2016. The appellant reiterates his request for a make-up examination given that the examination was scheduled for 6:00 p.m. on Thursday, April 7, 2016 in Cherry Hill. In support, the appellant submits a letter from the Moorestown Fire Department Training Officer confirming that the appellant is a member in good standing with the department and that he was enrolled in the above-noted course. The appellant also submits the spring 2016 course list from the ESTC, which includes the following language: "Attendance to all classes is mandatory for successful completion of ESTC courses."

CONCLUSION

N.J.A.C. 4A:4-2.9(c) provides that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations,¹ make-up examinations may be authorized only in cases of: (1) death in the candidate's immediate family; (2) error by the Civil Service Commission or the appointing authority; (3) when required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); or (4) a catastrophic health condition or injury. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

The record in the present matter indicates that the appellant is a volunteer fire fighter with the Moorestown Fire Department and that he was scheduled to attend a fire fighter training course in Westampton at 7:00 p.m. on the same evening as the subject examination he was scheduled to attend at 6:00 p.m. in Cherry Hill. Candidates received notification of the test date and location on March 17, 2016, at which point the appellant's training course had already been running for over one month. Moreover, attendance at all sessions was mandatory for successful completion of the course. While the circumstances presented by the appellant do not technically meet the stringent criteria for public safety make-up examinations, it is appropriate to relax the governing provision on equitable grounds. Thus, the appellant should be provided with a make-up examination. However, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

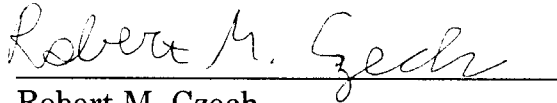
ORDER

Therefore, it is ordered that this appeal be granted and the appellant be scheduled for a make-up examination.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ Per the definition section of the job specification, a County Park Ranger enforces laws, regulations and policies regarding the use of the park by the public; provides information to the public pertaining to park use, natural phenomena, safety requirements and points of interest; and performs park maintenance duties. Appointees are required to successfully complete a training program mandated by the New Jersey Police Training Commission within 18 months of appointment. Thus, it is clear that County Park Ranger is a public safety title.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF OCTOBER, 2016



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