

## STATE OF NEW JERSEY

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Bryant Garcia, Correction Officer Recruit (S9988T), Department of Corrections

CSC Docket No. 2015-2860

**Examination Appeal** 

**ISSUED:** 

SEP 2 1 2015

(JET)

Bryant Garcia requests a make-up examination for Correction Officer Recruit (S9988T), Department of Corrections.

By way of background, the subject examination was administered on April 7, 2015 and Mr. Garcia did not appear to take the test. On appeal, Mr. Garcia asserts that he telephoned this agency on the morning of April 7, 2015 and explained that he had misplaced the Notice of Examination. Mr. Garcia contends that he was instructed to appear for the examination as scheduled with two forms of identification at James J. Ferris High School at 6:00 p.m. Mr. Garcia explains that he arrived for the examination at 5:45 p.m. and he stood on line. Mr. Garcia adds that a woman at the exam center informed him that he could not take the examination since he did not have the Notice of Examination. As such, he did not take the examination and he went home. Mr. Garcia submits a sworn, notarized statement in support of his appeal, indicating that he received the notice to appear for the examination, appeared at the test center as instructed with two forms of identification, and was instructed to go home since he did not have the notice with him. He now requests to take a make-up examination.

N.J.A.C. 4A:4-2.9(c) provides, in pertinent part, that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Death in the candidate's immediate family;

- 2. Error by the Civil Service Commission or appointing authority; or
- 3. A catastrophic health condition or injury, which is 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 7,768 candidates were eligible and 3,594 candidates passed the subject examination.

## CONCLUSION

The record establishes that appellant was scheduled to take the subject examination on April 7, 2015 and did not do so. Mr. Garcia has provided a notarized, sworn statement certifying that he misplaced the Notification of Examination, and was informed that he was not authorized to take the subject examination despite that he appeared at the appropriate time and produced two forms of identification. Given these circumstances, good cause exists to permit Mr. Garcia to take a make-up examination.

## **ORDER**

Therefore, it is ordered that this appeal be granted, and Bryant Garcia 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.

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DECISION RENDERED BY THE CIVIL SERVICE COMMISION

THE 16th DAY OF SEPTEMBER, 2015

Robert M. Czech

Chairperson

Civil Service Commission

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