

B-45



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ryan Lee,
Family Service Specialist 1
(PS2267K), Department of Children
and Families

Examination Appeal

CSC Docket No. 2017-876

ISSUED: JAN 23 2017 (RE)

Ryan Lee appeals the decision of the Division of Administrative Support and Logistics (DASL) which denied him a make-up examination for Family Service Specialist 1 (PS2267K), Department of Children and Families.

By way of background, the subject promotional examination was administered on June 18, 2016 to 1,227 admitted candidates. The appellant was scheduled to take the test at 9:00 AM. On June 21, 2016, Mr. Lee sent in a request for a make-up examination to DASL, explaining that he could not find the room assignment, despite looking around the school for 45 minutes and walking with a broken toe. He states that once he found the room he was denied entry because he was late. He indicates that he arrived at 9:00 AM, drove around, and looked for the door number. When he walked in, he was not directed by people as to where to go, and he walked around the school two times and no one gave him correct directions, nor did the notification letter say that his room was upstairs. When he found the Center Supervisor, he told her he had been looking for half an hour for his room, and there was no one there when he walked in. He argues that the room monitor was rude and unprofessional. DASL denied the request for failing to meet the make-up criteria. On appeal to the Civil Service Commission, Mr. Lee submits medical documentation that he went to an Urgent Care facility on June 18, 2016 and was diagnosed with a contusion of the right foot. He states that he injured his toe to the point where he could not walk. He argues that this situation has taken up a lot of his time and money and has been inconvenient for him.

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 Commission if 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, and that candidates for written examinations shall be admitted to the examination if they arrive at the test room within 15 minutes after the designated time. It is noted that the resultant eligible list of the names of 860 passing candidates was issued in July 2016.

CONCLUSION

The record establishes that appellant was scheduled to take the subject examination on June 18, 2016 and did not do so. The examination was scheduled for 9:00 AM, and the appellant did not arrive at the test room within 15 minutes of this time. In order to assist candidates, the CSC website provides directions to the various test centers utilized throughout the State, the Arrival Times/Late policy, as well as an information phone number that candidates can call for directions. In addition, the test notification that all candidates receive scheduling them for particular examination clearly provides the name and address of the testing facility. Notwithstanding all advisory information provided to prospective candidates, the ultimate responsibility for getting to a test room on time can only rest with each candidate.

The Center Supervisor keeps notes of incidents which occur at the center, and in this case, she noted her interaction with the appellant. She stated that the appellant was very angry and told her that he had been looking for the room for an hour. She said that signs and staff were downstairs until slightly after 9:10 AM, when the staff went upstairs to start the test administration in his room. She then went downstairs until slightly after 9:15 AM, at which time she pulled signs and checked for waiting candidates. She indicates that there were Civil Service

Commission center signs and "please wait here" signs in the lobby at Door 37 until then. She states that no one was in the lobby when she was there, and that she did not encounter the appellant until 9:30 AM. She states that the appellant was still very angry no matter what she said to him.

The appellant has not met the criteria for a make-up examination in this matter. The documentation does not establish that the appellant met the make-up criteria outlined in *N.J.A.C. 4A:4-2.9*. Signs were posted in the lobby until after 9:15 AM, which the appellant would have seen had he arrived before then. Staff were available until 9:10 AM. The appellant's medical documentation does not support a broken toe, or that he could not walk, nor does it certify that he was not able to take the test on that day for medical reasons. He appeared at his assigned testing room 15 minutes late for the examination and was accordingly not admitted. Moreover, there is no basis on which to relax the controlling provision in this case since the employment roster is complete. Under the totality of circumstances, the appellant's situation does not meet the criteria for a make-up examination.

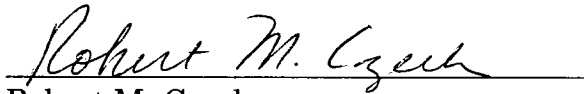
A thorough review of the record indicates that the appellant has failed to meet his burden of proof in this matter.

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 COMMISSION
ON THE 18th DAY OF JANUARY, 2017

A handwritten signature in cursive script, reading "Robert M. Czech", is written over a horizontal line.

Robert M. Czech
Chairperson
Civil Service Commission

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