

B-20



STATE OF NEW JERSEY

In the Matter of Nicolas Zieniuk,
Entry Law Enforcement Examination
(S9999U), Statewide

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2126

Examination Appeal

ISSUED: **MAR 22 2017** (JH)

Nicolas Zieniuk appeals the determination of the Division of Agency Services denying his request for a make-up examination for the Entry Law Enforcement Examination (S9999U), Statewide.

By way of background, Mr. Zieniuk was scheduled to take the subject test on December 17, 2016 at 1:30 p.m. at Camden County College but he did not appear to take the subject test at the designated time.

In a letter filed on November 8, 2016, Mr. Zieniuk requested a make-up exam since he would be receiving his Bachelor's degree on the test date and he was scheduled to participate in graduation ceremonies in Fayetteville, North Carolina. In support of his request, he submitted a copy of an email sent September 29, 2016 from Methodist University indicating that commencement ceremonies were to be held on December 17, 2016. Subsequently, the Division of Agency Services indicated that the appellant's request did not meet the criteria pursuant to *N.J.A.C. 4A:4-2.9*.

On appeal, Mr. Zieniuk indicates that he graduated from Methodist University in Fayetteville, North Carolina on the test date. He emphasizes that "this event was preset a year earlier, was unchangeable, and was the culmination of four years of college study. Numerous family members from around the east coast attended the event as well." In support of his appeal, Mr. Zieniuk provides a copy of his Bachelor's degree from Methodist University which was "given at Fayetteville, North Carolina, this seventeenth day of December two thousand and sixteen."

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, 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; or 3. A catastrophic health condition or injury. *N.J.A.C.* 4A:1-1.2(c) provides that a Civil Service Commission rule may be relaxed for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

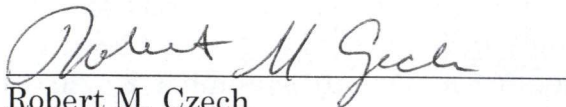
Mr. Zieniuk indicates that on the test administration date, he was to attend his graduation ceremony. Given that this was the graduation ceremony for his school, he could not have had the date changed. While the circumstances presented by Mr. Zieniuk do not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9, good cause exists to relax the governing provision. Thus, Mr. Zieniuk should be provided with a make-up examination.

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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 22ND DAY OF MARCH, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Nicolas Zieniuk
Kelly Glenn

