

B-20



STATE OF NEW JERSEY

In the Matter of Robert Morse,  
Police Lieutenant (PM1405U),  
Elizabeth

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-1679

Examination Appeal

ISSUED: MAY 03 2017 (JH)

Robert Morse appeals the determination of the Division of Agency Services denying his request for a make-up examination for Police Lieutenant (PM1405U), Elizabeth.

By way of background, candidates were sent notices dated October 6, 2016 that the examination would be administered on October 27, 2016. On October 31, 2016, Mr. Morse filed a make-up request in which he indicated that on October 26, 2016, two members of his family were hospitalized and on the test date, another family member informed him that they were scheduled for minor surgery during the following week. He explained that on the test date, he had "issues while driving" while on his way to the test center and returned home to take prescribed medication. He also noted that on October 21, 2016, he emailed the Make-Up Unit "regarding testing facility information and make-up policy information" and he was informed, in part, that "in order for a make-up to be considered I would have to request it in writing and that I would have to wait one year to take the test again if I was granted the make-up.<sup>1</sup> [Make-Up Unit staff] also said that 'I can't guarantee you'd be granted a make-up because your request technically does not meet the make-up criteria.' Based on that I did not apply. At that time, I continued as planned to take the test on October 27, 2016 until the above matters occurred." In

<sup>1</sup> In *In the Matter of Police Sergeant (PM3776V), City of Paterson*, 176 N.J. 49 (2003), the New Jersey Supreme Court ordered the Department of Personnel, for future exams, to "administer make-up exams that contain substantially different or entirely different questions from those used in the original examination." *Id.* at 66. As a result, public safety candidates are given a make-up exam when the next regularly scheduled exam for their particular title is administered.



support of his request, Mr. Morse provided medical documentation regarding his family members. In a letter dated, November 4, 2016, the Make-Up Unit indicated that the appellant's request did not meet the criteria pursuant to *N.J.A.C. 4A:4-2.9*.

On appeal, Mr. Morse provides a letter from Trinitas Regional Medical Center indicating that Mr. Morse has been under their care since September 15, 2016.

### 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-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.

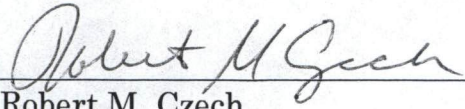
In the present matter, the documentation submitted by the appellant does not meet the above noted criteria. The appellant has not provided any information to establish that his condition was life-threatening or that his illness required a convalescence period of 60 or more work days.

### 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  
THE 3RD DAY OF MAY, 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: Robert Morse  
Michael Johnson  
Records Center



REPORT OF THE  
COMMISSIONER OF THE  
BUREAU OF LANDS

W. H. HARRIS  
Commissioner

DEPARTMENT OF THE INTERIOR  
BUREAU OF LANDS  
WASHINGTON, D. C.  
JANUARY 1, 1901

REPORT OF THE  
COMMISSIONER OF THE  
BUREAU OF LANDS