

B-47



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Naomi Minus-Jackson,
Supervising Family Service Specialist
1 (PS1032K), Department of Children
and Families

Examination Appeal

CSC Docket No. 2017-1207

ISSUED: MAY 03 2017

(RE)

Naomi Minus-Jackson appeals the determination of the Division of Agency Services denying her request for a make-up examination for Supervising Family Service Specialist 1 (PS1032K), Department of Children and Families.

The appellant was scheduled to take the subject examination at 9:00 a.m. on October 15, 2016. On September 12, 2016, the appellant faxed a request to take a make-up examination stating that she has a family vacation booked out-of-state to celebrate her daughter's birthday on October 15. She stated that this was a family reunion that could not be canceled because family members from three different states would attend and booked their rooms. She provided a reservation for two nights at a resort in the Pocono mountains in Pennsylvania. Division of Agency Services denied this request as it did not meet that criteria listed in *N.J.A.C. 4A:4-2.9*. On appeal, Ms. Minus-Jackson indicates that she was forced to choose between her daughter's birthday celebration and taking the examination. She submits her daughter's birth certificate, and a confirmation from the resort.

N.J.A.C. 4A:4-2.9(a), (Make-up examinations), provides that make-up examinations, except for professional level engineering promotional examinations and public safety open competitive and promotional examinations, may be authorized only in cases of: 1) Error by the Commission or the 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. It is noted that this examination was competitive with 489 passing candidates.

CONCLUSION

The record establishes that the appellant was scheduled to take the examination on October 15, 2016 at 9:00 a.m. and did not do so. A review of the resort confirmation indicates that the reservation could be cancelled or rescheduled up to 72 hours before the scheduled arrival time of 4:00 p.m. First, given the cancellation regulation, these plans could be reasonably changed particularly since the appellant was aware of the examination date in September 2016. Next, these plans were to a contiguous state, Pennsylvania. Lastly, the appellant did not provide a sworn statement. The fact that the appellant's family members also made plans to stay at this resort does not establish that the appellant could not change her plans. She was faced, essentially, with a scheduling conflict, which is not a valid reason for a make-up. See e.g., *In the Matter of Rose Messere* (MSB, decided May 5, 2004) and *In the Matter of Douglas Green, Elida Ortiz and Elba Rosario-Diaz* (MSB, decided July 13, 2011). As such, the circumstances presented by the appellant do not meet the above noted criteria.

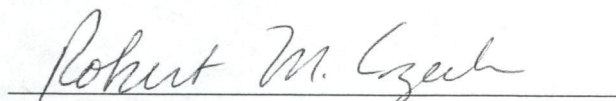
A thorough review the record indicates that the appellant has failed to support her burden of proof in this matter.

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
THE 3rd DAY OF MAY, 2017



Robert M. Czech
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