

CONCLUSION

N.J.A.C. 4A:4-2.9(b)¹ provides that for professional level engineering, police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety promotional examinations, make-ups may be authorized only in cases of:

1. Debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination;
2. Death in the candidate's immediate family as evidenced by a copy of the death certificate;
3. A candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation;
4. When required for certain persons returning from military service;
or
5. Error by the Civil Service Commission or appointing authority.

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.

In the present matter, the appellant indicates that on January 26, 2017, he booked airline tickets for overseas travel during the test administration date. The Examination Information Alert Police Promotional Schedule (2017) (EIA) issued by the Division of Test Development and Analytics in April 2017 and available on the Commission website, indicated that announcements for Police Lieutenant were to be issued on July 1, 2017 and the tentative test administration date would be in

¹ It is noted that effective July 17, 2017, *N.J.A.C.* 4A:4-2.9 was amended and section b and section c were rewritten. Previously, *N.J.A.C.* 4A:4-2.9(c) provided 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.

October 2017. The subject announcement, as noted above, was issued on July 1, 2017, and indicated that the test was tentatively scheduled to be administered in October 2017. In addition, the Civil Service Commission Public Safety Testing Law Enforcement Status Report July/August 2017, which was available on the Commission website, indicated that the next announcements for Police Lieutenant were expected to be issued on July 1, 2017, Bergenfield was one of the anticipated jurisdictions and the test was anticipated to be held in early to mid-October.

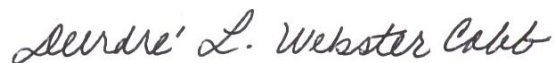
Thus, the earliest that candidates were on notice that the subject exam would be administered in October 2017 was July 1, 2017. As a result, the appellant was unable cancel his vacation plans or make arrangements to return to New Jersey solely for the purpose of taking the test.² Although the information the appellant presents does not technically meet the criteria for a make-up pursuant to *N.J.A.C. 4A:4-2.9(b)*, good cause exists to relax the controlling regulation given the unique circumstances presented. Thus, the appellant should be provided with a make-up for the subject 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 23RD DAY OF MAY, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

²It is noted that *N.J.A.C. 4A:4-2.9(a)* provides, in pertinent part, that make-up examinations, except for professional level engineering promotional examinations and public safety open competitive and promotional examinations may be authorized for 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.

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