



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of Lenaya Wilcox,  
Rehabilitation Counselor Mental  
Health (S0846V), Statewide  
  
CSC Docket No. 2020-1085

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ISSUED: January 16, 2020 (RE)

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Lenaya Wilcox requests a retest of the examination for Rehabilitation Counselor Mental Health (S0846V), Statewide. It is noted that the appellant failed the examination.

The appellant took the subject examination on September 5, 2019, which consisted of 80 multiple choice questions. She obtained a raw score of 42, and the passing point was 48; therefore, she failed the examination. In a letter received October 16, 2019, the appellant indicated that she had a medical issue on the examination date which prevented her from completing the examination. She provides a diagnosis from a physician on a note dated October 11, 2019, and a list of medications. She requests a retest. She adds that the medical documentation indicated a chronic condition, and that the Civil Service Commission (Commission) should be aware that this would mean she could not take the test on September 5, 2019. She also states that she was not aware that she could inform the monitor on the test date of her condition and get a make-up examination. It is noted that 21 candidates passed the examination, the list has been certified four times, and no appointments have yet been made.

CONCLUSION

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. When required for certain persons returning from military service (see *N.J.A.C. 4A:4-4.6A*); and,
7. Other valid reasons.

*N.J.A.C. 4A:4-6.4(c)*, (Review of examination items, scoring and administration) states that appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the examination. The record establishes that the appellant was scheduled to take the written portion of the examination on September 5, 2019 and subsequently failed it. The appellant knew she had a medical condition before the examination date, and states that she was ill during the examination, but did not notify the Civil Service Commission of her condition until October 16, 2019, after she received her examination results. As such, this appeal is dismissed as untimely.

Nevertheless, it is noted that the Commission is delegated by the Legislature with implementing and enforcing Title 11A, New Jersey Statutes and performing duties as prescribed by law and the rules of the New Jersey Administrative Code. See *N.J.A.C. 4A:1-3.3* and *N.J.S.A. 11A:2-2*. As such, it has the responsibility to ensure that rules are maintained, followed and upheld. In this case, there are rules regarding authorization of make-up examinations and, when there is a serious illness of the candidate on the test date, the rules direct that the candidate must submit a doctor's certificate specifying that she was not able to take the test on that day for medical reasons. These rules are available on the Commission's website, and are printed on the instructions on the Notification to Appear of Examination, which the appellant received two weeks before the test date. Although the appellant was on notice that she would need to provide medical documentation in order to take a make-up examination, she did not do so at the time of the examination.

On appeal, the appellant provides a doctor's note which does not state that her condition precluded her from taking the examination on September 5, 2019. The appellant cannot be placed on the eligible list due to her test score. She has taken the examination and, in fairness to other candidates, the appellant cannot be given the same examination again. While candidates who have not taken the examination can be given a make-up examination, there are no provisions in the

rules for a retest. The list is complete with 21 eligibles, and the appellant's situation does not meet the criteria for a makeup examination.

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 ON  
THE 15<sup>th</sup> DAY OF JANUARY, 2020



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