



STATE OF NEW JERSEY

In the Matter of Gregory Bradley,
Fire Fighter (M1860W), Ocean City

CSC Docket No. 2020-1067

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**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

Examination Appeal

ISSUED: January 16, 2020 (RE)

Gregory Bradley appeals the determination of the Division of Administrative Services which denied him a make-up of the physical performance portion (PPT) of the examination for Fire Fighter (M1860W), Ocean City.

The appellant was scheduled to take the PPT on September 11, 2019. He called and indicated that his wife was expected to have their first child on this date. He was offered the dates of September 10, 12, 16, and 17, 2019, and he was rescheduled for Tuesday, September 10, 2019, a date to which he agreed. He then called to request to be rescheduled on a Saturday or a holiday, and was told that testing was performed during normal work hours and days. In an appeal dated August 26, 2019, the appellant requested to be re-scheduled because he is a public-school Teacher, this is the first week of school, and it would be unreasonable for him to request time off, particularly as his wife was due to have first child in September. In a determination dated August 30, 2019, the makeup unit denied this request as it did not fall within the guidelines for a request for a makeup.

In a letter postmarked October 10, 2019, the appellant argues that the scheduling of the test was near his wife’s due date, and he provides a note from a Dermatologist of his wife’s doctor appointment on September 10, 2019 at 5:30 PM, and another note from a Maternal-Fetal Medicine Service center of his wife’s appointment September 11, 2019, no time given, no reason given.

CONCLUSION

At the outset, the appellant was given appeal rights by the makeup unit indicating that he had 20 days to file an appeal. *See N.J.A.C. 4A:2-1.1(b)*. The appellant had until September 20, 2019 to file an appeal, and his submission was postmarked October 10, 2019. As such, this appeal is clearly untimely.

It is also without merit. Pursuant to *N.J.A.C. 4A:4-2.9(a)*, Make-up examinations for open competitive and general promotional testing may be authorized for the following reasons:

1. Error by the Civil Service Commission 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;
6. When required for certain persons returning from military service (see *N.J.A.C. 4A:4-4.6A*); and
7. Other valid reasons.

It is noted that the medical notes provided by the candidate do not include any information regarding when the child was born. Additionally, if his wife had a doctor's appointment on the evening of September 10, 2019, and the appellant had to accompany her, this does not preclude him from taking the examination at 8:00 that morning. Additionally, if the child had been born on September 10, 2019, the appellant should have provided medical documentation to substantiate this claim. Rather, the appellant had a scheduling conflict with his employment, which is not a valid reason for makeup examination. *See In the Matter of Scott Hiltner* (MSB, decided August 11, 2004) (Inability to take the day off from work to participate in an open competitive examination was not a valid reason to grant a make-up examination).

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 15th DAY OF JANUARY, 2020



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and
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