

## STATE OF NEW JERSEY

In the Matter of Robert Minkler Jr., Deputy Fire Chief (PM1791A), Woodbridge	: : : :	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION Examination Appeal
CSC Docket No. 2022-2911	::	

**ISSUED: AUGUST 3, 2022** (RE)

Robert Minkler Jr., appeals the determination of the Division of Agency Services (Agency Services) denying his request for a make-up examination for Deputy Fire Chief (PM1791A), Woodbridge.

The appellant was scheduled to take the oral portion of the subject examination on May 7, 2022. On April 20, 2022, the appellant sent a request to take a make-up examination stating that his daughter's First Holy Communion ceremony was scheduled by the church for that date. He states that his presence was required and it could not be rescheduled. Agency Services denied this request as it did not meet the criteria listed in N.J.A.C. 4A:4-2.9. On appeal, the appellant provides documentation of the event. It is noted that this examination is competitive with three other eligible candidates, and the results are not yet available.

## CONCLUSION

N.J.A.C. 4A:4-2.9(b) provides, in pertinent part, 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 (see *N.J.A.C.* 4A:4-4.6A); or

5. Error by the Civil Service Commission or appointing authority.

The record establishes that the appellant was scheduled to take the oral portion of the examination on May 7, 2022, and did not do so. Since it was the appellant's daughter's First Holy Communion ceremony, the appellant could not have reasonably had the date changed. While the circumstances presented by the appellant do not technically meet the stringent criteria for public safety make-up exams, it is appropriate to relax the governing provision on equitable grounds. Thus, the appellant should be provided with a make-up examination.

## ORDER

Therefore, it is ordered that this appeal be granted, and the appellant be provided with a make-up examination for the oral portion of the 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 3<sup>RD</sup> DAY OF AUGUST 2022

Derrie' L. Webster Calib

Deirdré L. Webster Cobb Chairperson Civil Service Commission

Inquiries and Correspondence Nicholas F. Angiulo 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 Minkler Jr. Division of Administrative Services Records Center