



STATE OF NEW JERSEY

In the Matter of Antonia Gonzalez,
Police Lieutenant (PM4130C), Long
Branch

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

CSC Docket No. 2022-964

Examination Appeal

ISSUED: October 12, 2022 **(ABR)**

Antonia Gonzalez appeals the determination of the Division of Administrative and Employee Services (Administrative Services) denying her request for a make-up examination for Police Lieutenant (PM4130C), Long Branch.

By way of background, the subject examination was administered on October 23, 2021. The appellant filed a request for a make-up examination with Administrative Services based upon her pre-planned attendance at the New Jersey State Policemen’s Benevolent Association (NJSPBA) Convention in San Diego, California. Administrative Services sent a letter to the appellant, dated September 30, 2021, which denied her request for a make-up examination, advising that *N.J.A.C. 4A:4-2.9(b)* does not authorize make-up examinations for public safety examinations to be scheduled due to pre-planned vacations.

On appeal to the Civil Service Commission (Commission), the appellant states that she was unable to sit for the administration of the subject examination because she is an executive on the board of Policemen’s Benevolent Association Local #10 (Local #10) and was scheduled to attend the NJSPBA Convention in San Diego, California between October 18 and 25, 2021. She argues that she should be permitted to take a make-up examination because she was on official business and was given contradictory information. In support, she submits a copy of her flight schedule, hotel reservation confirmation, a letter of support from the President of Local #10, and a certificate of attendance from the NJSPBA’s recording secretary.

CONCLUSION

N.J.A.C. 4A:4-2.9(b) provides that for professional level engineering, police, fire, correction officer, correctional police officer, sheriff's officer, juvenile detention officer, and other public safety promotional examinations, make-up examinations 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.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

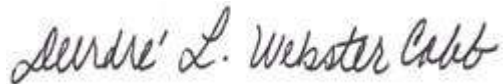
In the instant matter, it is noted that a previously scheduled vacation does not technically meet the criteria for a make-up examination pursuant to *N.J.A.C.* 4A:4-2.9(b). Nevertheless, the Commission observes that the Civil Service Act provides, in relevant part, that it is the public policy of this State “to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance,” and “. . .to ensure the recognition of such bargaining and other rights as are secured pursuant to other statutes and the collective negotiations law.” *See N.J.S.A.* 11A:1-2. Given the Legislature’s articulated policy goals of encouraging and rewarding meritorious performance by employees and promoting collective bargaining, and the additional documentation the appellant has furnished on appeal to verify both her attendance at the NJSPBA Convention and Local #10’s articulated need to have the appellant represent it at the NJSPBA Convention, the Commission finds good cause to provide the appellant with a make-up examination, to be considered for prospective employment opportunities only. However, this remedy is limited to the facts of this matter and does not provide a precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted. The appellant shall be scheduled for a make-up examination, for prospective employment opportunities only.

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 12TH DAY OF OCTOBER, 2022



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