



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of A.P., Human
Services Specialist 2 (C0552C),
Warren County

CSC Docket No. 2022-2987

Administrative Appeal

ISSUED: JULY 5, 2022 (SLD)

A.P.¹ appeals the determination of the Division of Administration and Employee Services denying her request for a make-up examination for the open-competitive examination for Human Services Specialist 2 (C0552C), Warren County.

By way of background, the examination for the subject examination was announced with a closing date of October 21, 2021. Nine applicants, including the appellant were admitted to the examination that was processed as a written examination, which was scheduled for March 31, 2022. The appellant had requested a make-up for this date, which was granted. As such, she was scheduled to take the examination on April 27, 2022. However, the appellant then requested a make-up examination for the April 27, 2022 as her 41-year old brother-in-law (husband's brother) had a medical emergency and died on April 21, 2022, unexpectedly. This request was denied as her brother-in-law was not residing in her home, and therefore did not meet the definition of an immediate family member pursuant to *N.J.A.C. 4A:4-2.9(a)3*.

The examination resulted in an employment roster of five eligibles which promulgated on May 5, 2022, and expires on May 4, 2025. Agency records indicate that a certification (OL220531) containing all five eligibles was certified to the appointing authority on May 9, 2022. However, the certification has not yet been returned for disposition. Agency records also indicate that there are currently five

¹ The fictitious initials of A.P. will be used throughout this decision to denote the appellant.

individuals serving provisionally, pending open-competitive examination procedures, including the appellant, with the appointing authority. Three of the provisional employees' names are on the OL220531 certification.

On appeal, the appellant maintains that her brother-in-law died suddenly and unexpectedly on April 21, 2022, the viewing was held on April 25, 2022, and his funeral was on April 26, 2022. The appellant argues that her brother-in-law's death hit her husband and children especially hard as her husband and him were very close. The appellant asserts that her brother-in-law's death was especially traumatic for her eldest child who was under the care of a medical professional for an acute medical condition. In support, she submits medical documentation and a schedule for the viewing and funeral.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up examinations 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; and
- 6) Other valid reasons.

Initially, it is noted that the appellant was properly denied a makeup for the April 27, 2022 examination. In this regard, *N.J.A.C.* 4A:4-2.9(a)3 provides, in relevant part, that make-up examinations may be authorized when there is a death in a candidate's *immediate family* (emphasis added). *N.J.A.C.* 4A:1-1.3 defines "immediate family" as an employee's spouse, domestic partner, civil union partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household or any other individual whose close association with the employee is the equivalent of a family relationship, such as a step-relative. Therefore, since the appellant's brother-in-law did not reside in her household, her request for a make-up was properly denied.

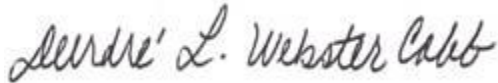
However, *N.J.A.C.* 4A:1-1.2(c) provides in relevant part that the Civil Service Commission may relax rules for good cause in a particular situation in order to effectuate the purposes of Title 11A, New Jersey Statutes. In the instant matter, the record evidences that there are currently five employees, including the appellant, serving provisionally, pending open-competitive examination procedures in the subject title. Moreover, the subject eligible list only contains the names of five candidates, three of whom are serving provisionally, pending open-competitive examination procedures in the subject title. Therefore, based on the number of vacancies that are currently encumbered by provisional employees, and the number of candidates, it appears that the subject eligible list will become incomplete upon disposition of the outstanding certification. Furthermore, the Civil Service Commission is sympathetic to the appellant's situation. Consequently, it is appropriate to relax *N.J.A.C.* 4A:4-2.9 and provide the appellant with a make-up examination for the subject title for prospective employment opportunities only.

ORDER

Therefore, it is ordered that this appeal be granted.

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 29TH DAY OF JUNE 2022



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