

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.

N.J.A.C. 4A:4-6.4(c) states that an examination candidate wishing to challenge the manner in which the examination was administered may file an appeal in writing at the examination site on the day of the examination.

N.J.A.C. 4A:4-2.9(e) provides, in pertinent part, that a candidate must submit a written request for a make-up examination within five days after the examination date due to one of the valid reasons set forth.

The record establishes that the appellant took the examination on the June 7, 2022, and filed an appeal 20 days later, on June 27, 2022, the date that her appeal was date-stamped as received. In this regard, it is noted that all candidates for examinations are provided with an informational flyer called "Exam Review and Appeal Procedures for Multiple-Choice Examinations" at the examination center that specifically informs them that objections to the manner in which the examination was conducted must be made in writing on a form provided at the test center. In *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003), the court noted that "the obvious intent of this 'same-day' appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered." If the appellant knew she was going to have difficulties, she needed to have notified the room monitor of the situation so that she could be provided with instructions for requesting a make-up examination prior to the examination. Instead, she chose to take the examination. Thus, the appeal of this issue 20 days after the administration of the examination, and after receipt of the results, is untimely, and it is denied on those grounds.

Additionally, page 9 of the Online Application User Guide indicated that candidates needed to check the box on the application if ADA assistance was needed. A review of the appellant's application indicates that she answered "no" for ADA assistance. It was her obligation to inform the Civil Service Commission (Commission) of her disability. Otherwise, it is unknown what type of accommodation she may need. If candidates check "yes," they are contacted by staff

who will request the type of medical documentation she provided on appeal, verify the information, and provide approval. Without such approval, the Commission cannot provide accommodations, and cannot know what accommodations should be provided. Candidates cannot request these accommodations after an examination has already been administered, and there are no provisions in the rules for a retest.

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 21ST DAY OF SEPTEMBER, 2022

Dolores Gorczyca

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