



STATE OF NEW JERSEY

In the Matter of Tamara Toth,
Supervising Health Care Evaluator
(PS2975H), Department of Health

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

CSC Docket Nos. 2023-42

Examination Appeal

ISSUED: September 21, 2022 (SLK)

Tamara Toth requests to take a make-up examination for Supervising Health Care Evaluator (PS2975H), Department of Health.

By way of background, 25 employees applied for the subject examination and 23 were admitted, including Toth. She was granted a request to take a make-up examination on Wednesday, May 25, 2022. However, when she arrived for the examination, she was advised that there were computer issues and the make-up examination would be administered on another date. Thereafter, on May 27, 2022, she was advised that the make-up examination was scheduled for Saturday, June 4, 2022, at 8:30 PM. In a request received by this agency on June 1, 2022, Toth requested that her make-up examination be rescheduled explaining that weekends were extremely difficult for her and she requested that she be allowed to take the make-up examination on a date during the week. In a June 15, 2022 letter, this agency denied her request as it did not meet the criteria under *N.J.A.C. 4A:4-2.9*. The subject examination was initially administered on Wednesday, April 13, 2022, which resulted in 18 eligibles. Certification PS220521 was issued and its disposition was due on September 20, 2022. The list expires on May 11, 2024.

In her request, Toth argues that her request to have her make-up examination rescheduled meets the criteria under *N.J.A.C. 4A:4-2.9* because the May 25, 2022, make-up examination date was cancelled due to computer issues at the testing center. She explains that she timely arrived at the testing center on that date, only to be advised that the examination could not be administered because of computer issues.

She states that she was told that she would be contacted by phone and someone would assist her to ensure that the new date would work with her schedule. Instead, Toth presents that she received an email on May 27, 2022, advising her that the new make-up administration date was Saturday, June 4, 2022, at 8:30 PM in Trenton. She explains that she lives almost an hour away and by the time the three and one-hour examination would be finished, she would not get home until 1:00 AM. Toth provides that her husband works weekends and she has three children. Further, she indicates that she was scheduled to work Sunday morning.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up examinations, except for professional level engineering promotional examinations and public safety open competitive and promotional examinations, may be authorized for the following reasons:

1. Error by Civil Service Commission (Commission) or the 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 services (see *N.J.A.C.* 4A:4-4.6A); and
7. Other valid reasons.

In this matter, while Toth's request to have her make-up examination rescheduled does not meet the exact criteria under *N.J.A.C.* 4A:4-2.9(a), there are extenuating circumstances in this matter. Specifically, her make-up examination was initially scheduled for Wednesday, May 25, 2022, and she timely arrived at the examination, only to be advised that it needed to be rescheduled due to computer issue. Further, she received short notice that her make-up examination was rescheduled for a Saturday night and she explains, due to her family circumstances, why she could not take the examination on a weekend. Therefore, the Commission finds that Toth has presented a valid reason to be allowed to reschedule her make-up examination. Additionally, the Division of Administrative and Employee Services is directed to reschedule Toth for the subject make-up examination, to be held on a weeknight.

ORDER

Therefore, it is ordered that this request be granted. Toth should be scheduled for a make-up examination for Supervising Health Care Evaluator (PS2975H), Department of Health as soon as possible on a weeknight. If she achieves a passing score, her name should be added to the subject list 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 21ST DAY OF SEPTEMBER, 2022

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