



STATE OF NEW JERSEY

In the Matter of Michael Andrews,
Family Service Specialist 1
(PS8306K), Department of Children
and Families

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

CSC Docket Nos. 2023-1274

Examination Appeal

ISSUED: February 1, 2023 (SLK)

Michael Andrews requests to take a make-up examination for Family Service Specialist 1 (PS8306K), Department of Children and Families.

By way of background, 1,032 employees applied for the subject examination and 1,024 were admitted, including Andrews. On September 22, 2022, notice was sent indicating that the examination was to be administered on October 15, 2022. In a request received by this agency, Andrews requested that he be provided a make-up examination as he indicated that he had a prior commitment regarding graduate school. Specifically, Andrews presented that he had an overnight retreat that was scheduled from October 14, 2022, to October 15, 2022, for a course that was a requirement for his program. Andrews submitted the course curriculum, which had been updated on August 17, 2022, which indicated that the retreat was being held on October 14, 2022, to October 15, 2022. The curriculum also indicated that the course policy was that students were allowed no absences from this class as it only meets one weekend. Andrews did not sit for the October 15, 2022, examination. On November 2, 2022, this agency denied his request for a make-up examination indicating that he did not meet the criteria under *N.J.A.C. 4A:4-2.9*. The list has not yet promulgated.

In his request, Andrews states that the subject test was originally scheduled for August 28, 2022, and he was available to sit for the test on that date. However, he indicates that the August 28, 2022, administration was cancelled and rescheduled for October 15, 2022. Andrews reiterates that he is in graduate school in New York

and he had an overnight retreat on the test administration date that was part of one of his classes and part of his grade. He indicates that he was not able to leave the retreat early to sit for the test on the test administration date. Andrews emphasizes that at the time that he scheduled this course in the summer of 2022, the test administration was not set on the date of the retreat. He highlights that he has worked for the appointing authority for 11 years.

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.

N.J.A.C. 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

While typically pre-planned travel plans in New Jersey or any contiguous state is not a valid reason under *N.J.A.C.* 4A:4-2.9 for a make-up examination, there are extenuating circumstances in this matter. Specifically, Andrews presents that at the time he registered for this course that was part of his graduate school program, the test administration date for the subject examination was not scheduled on the date of his retreat. However, he indicates that the test was rescheduled for the date of his retreat. Further, Andrews submits documentation that indicates that attendance at the retreat was required for this course as it only met on one weekend. The Commission notes that the subject examination had over 1,000 employees who were admitted to the subject examination, which signifies that allowing Andrews to sit for a make-up examination would have little impact on each candidate. Moreover, the

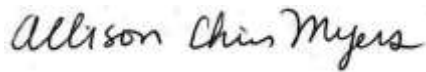
Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, under these circumstances, the Commission finds good cause under N.J.A.C. 4A:1-1.2(c) to relax the provisions of N.J.A.C. 4A:4-2.9(a) and allow him to sit for a make-up examination.

ORDER

Therefore, it is ordered that this request be granted. Michael Andrews should be scheduled for a make-up examination for Family Service Specialist 1 (PS8306K), Department of Children and Families and, if he achieves a passing score, his 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 1ST DAY OF FEBRUARY, 2023



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