



STATE OF NEW JERSEY

In the Matter of Alvin Goss, *et al.*,
 2022 Law Enforcement Examination,
 various titles and jurisdictions

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

CSC Docket Nos. 2023-158, *et al.*

Examination Appeal

ISSUED: February 1, 2023 (JH)

Alvin Goss, Dominick Passiglia and Danielle Peterson appeal the determinations of the Division of Agency Services (Agency Services) denying their requests for a make-up; and David Hopkins, Sean Nicholl and Mark Thompson request a make-up for the open competitive examination for the 2022 Law Enforcement Examination (LEE), various titles and jurisdictions. These appeals have been consolidated due to common issues presented by the appellants.

By way of background, as indicated in the 2022 LEE Frequently Asked Questions (FAQs) page,¹ unlike previous LEE testing cycles, the 2022 LEE did not permit candidates to fill out a single application and indicate the titles for which they wished to be considered. Instead, titles that were included in the 2022 LEE testing cycle² were announced separately by jurisdiction. As also noted in the LEE FAQs, “the Law Enforcement Aptitude Battery (LEAB) will be used to test candidates who apply for any of the LEE titles . . . Because the same examination is used, candidates will only have one opportunity to take the examination, regardless of the number of announcements for which they apply, and their score achieved on the examination will be applied to all these 2022 LEE announcements for which they have applied.”

¹ <https://www.state.nj.us/csc/authorities/faq/safety/lee.html>

² The following titles were announced as part of the 2022 LEE: Police Officer; County Police Officer; Park Police Officer; Campus Police Officer Recruit; Police Officer Recruit, Human Services; Police Officer, Palisades Interstate Park; State Park Police Officer Trainee; Sheriff's Officer; County Correctional Police Officer; Correctional Police Officer; Correctional Police Officer, Juvenile Justice Commission; Parole Officer Recruit; and Parole Officer Recruit, Juvenile Justice. Bilingual variants for some of these titles were also announced.

It is noted that Goss, Hopkins, Peterson, Sims and Thompson were scheduled to be tested on June 11, 2022; and Nicholl and Passiglia were scheduled to be tested on June 25, 2022.

The FAQs indicated in regard to make-up requests:

8. What is the make-up policy for this examination?

According to the New Jersey Administrative Code 4A:4-2.9(a), make-up examinations for public safety open competitive examinations may only 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;
6. When required for certain persons returning from military service (see N.J.A.C. 4A:4-4.6A); and
7. Other valid reasons, as determined by the CSC.

MAKE-UP REQUESTS, WITH SUPPORTING DOCUMENTATION, MUST BE SUBMITTED IN WRITING WITHIN FIVE DAYS OF RECEIPT OF THE TEST NOTICE. However, in situations involving an illness, death, or natural disaster that occurs on or immediately before the test date, a request for make-up must be made in writing no later than five days after the test date. All make-up requests based on medical grounds must include a New Jersey Civil Service Commission [Medical Authorization Form for Make-up Examinations](#) (DPF-728). This form can also be obtained by contacting the CSC's Information Center at (609) 292-4144. Requests for make-up examinations should be mailed to: Public Safety Make-Up Unit, Civil Service Commission, P.O. Box 310, Trenton NJ 08625-0310. [▲ Top](#)

In their initial requests for a make-up, Goss indicated that he was unable to appear on his scheduled test date “due to a confusion/miscalculated date and also the demands of a new job.” Passiglia indicated that he had a “prior family vacation planned. I am in a wedding, this vacation was for a planned bachelor party in Lake George . . . This was planned and paid for on April 30, 2022.” In support of his request, Passiglia provided additional documentation including a letter dated June 15, 2022 from Gary [illegible] indicating that “my future Brother-in-Law, Dominick Passiglia, is in my bridal party. We planned my bachelor party vacation in April of 2022 and we have the dates set and paid for on the dates of 6/24 – 6/27. We will be in Lake George”; a copy of messages that indicate, in part, “Hey guys so me and Gary found a Airbnb to stay at . . . that’s 9 of us . . . [The house] is available June 24-27 . . .”; and a copy of payment details dated April 30, 2022 indicating “Type of transaction[:] Payments between friends” for “Lake George.” Peterson argued that she “never received notice via email concerning my selection/choice of dates/testing locations . . . [I]t was not until I checked the NJCSC website in April that I realized I was supposed to receive notice.”³ Peterson presents that she “along with my family will be hosting

³ Candidates who were admitted to the 2022 LEE were sent an email on April 8, 2022 which provided information and links for self-selecting a test center, date, and time. As noted in the email, “Each of the test dates is a separate [S]ign-[U]p [G]enius link. Click on the date that you would like to be scheduled and you will be presented with the locations being offered on that date . . . Seating is limited at each location, so sign up early to ensure that you secure your preferred location . . . Sign up is on a first-come, first-served basis. Once a test location is selected, Sign-Up Genius will send a confirmation to your email.” Candidates were presented with the following dates: June 11, 16, 25, 30 and July 9

a graduation party for my goddaughter . . . on June 11. We have paid for everything in advance in the hopes of celebrating my goddaughter's accomplishments. I was asked by her parents to be the mistress of ceremony for the event. I am also in charge of decorations and would need to be at the facility early in order to aid in set up." In support of her request, Peterson provided a copy of an invitation for a graduation party to be held on June 11, 2022. The Make-Up Unit denied these requests as they did not meet the criteria pursuant to *N.J.A.C. 4A:4-2.9*.

On appeal, Goss indicates that "around the time of my scheduled date, there was a death in the family but in the country of Jamaica. Even though I was still actively working around this time, it was required for all family members to meet."

Passiglia presents that he "sent in proof of my prior engagements of going to Lake George, New York on June 24, 2022, with a return date of June 27, 2022. I am discouraged that the proof of payment and proof of out-of-state vacation documents that I sent into your office prior to my test date was denied."

In an appeal dated May 30, 2022, Peterson reiterates the information provided in her initial request and adds that she "received my law enforcement examination notice this past Saturday and am unable to take the examination on [June 11, 2022] due to a previous scheduled engagement."

In a request filed on June 13, 2022, Hopkins indicates that he was unable to appear at his scheduled time, 8:00 a.m., because he overslept.

Nicholl, in a request filed on September 8, 2022, asserts that he was unable to appear for the subject exam "because a close friend of mine . . . who was like family to me was shot and killed the weekend prior." He explains that after attending the viewing and funeral "and coping with this great loss I could not make the test date and time." He explains, "I know this notice is well after the 20-day mark however, the notice was delivered the day that I started my military orders and I did not receive the notice denying me originally until after I returned from vacation."⁴

In a request filed on July 12, 2022, Thompson presents that he "got the dates mix[ed] up . . . I thought my exam was July 11[. I]n regards to missing my exam[,] I was in crucial [*sic*] pain [in] the beginning of the week with serious back pain[.] I was

and 14, 2022. The email further indicated that "all candidates will be sent a paper scheduling notice by mail approximately two weeks prior to the test date. Please bring the paper scheduling notification you receive by mail with you to the test center." Candidates had until April 21, 2022 to self-schedule. For those candidates who did not self-schedule, they were assigned a test date and location. It is noted that all candidates were mailed Notifications to Appear dated May 19, 2022 indicating an assigned test center, date, and time.

⁴ It is noted that the Make-Up Unit was contacted regarding this matter and staff indicated that a make-up request was not received from Nicholl.

seen by [a] spinal doctor that same week which was at the time [that] my main focus [was] to get better.” In support of his appeal, Thompson provides a copy of a prescription blank from Atlantic Spine Center dated June 17, 2022 indicating that “the patient has had severe pain since 6/13/22 and could not work since then. He will return to work 6/20/22”; a copy of a form from Atlantic Spine Center dated June 17, 2022 indicating that Thompson was on “no work status” from June 17 through September 22, 2022; a form from Level UP MD Urgent Care dated June 13, 2022 which indicates that Thompson was treated on June 13, 2022 and the following restriction: “no work or school until 06/15/2022.”

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides that make-up examinations for open competitive and general promotional testing 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; 6. When required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); and 7. Other valid reasons.

Regarding Goss, he requested a make-up examination based on two different reasons: misremembering the test date/“the demands of a new job,” and the death of a family member. With respect to his initial make-up request, the Make-Up Unit correctly denied this request as misremembering the test date or “the demands of a new job” are not listed as one of the reasons for a make-up pursuant to *N.J.A.C.* 4A:4-2.9(a). With respect to his reason on appeal, *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals. In this regard, it is noted that Goss does not indicate which family member had passed, when the family member passed, any evidence of the family member’s passing, and/or any evidence of his attendance at the funeral. As such, the Commission cannot find a basis to grant the appellant a make-up examination.

With respect to Passiglia, he does not provide any evidence that his participation in the Airbnb reservation could not be reasonably changed. In this regard, the fact that the Airbnb rental was made with others for a bachelor party does not establish that Passiglia could not change his plans. Furthermore, his plans were for an event in a contiguous state, New York. Moreover, he did not provide a sworn statement. He was faced, in essence, with a scheduling conflict, which is not a valid reason for a make-up. *See e.g., In the Matter of Rose Messere* (MSB, decided May 5, 2004) and *In the Matter of Douglas Green, Elida Ortiz and Elba Rosario-Diaz* (MSB, decided July 13, 2011).

Regarding Peterson, as noted above, she requested a make-up examination on the basis that she was hosting a graduation party for her goddaughter. While it is unfortunate that Peterson was unable to self-schedule a test date, her situation does not meet the criteria pursuant to *N.J.A.C.* 4A:4-2.9(a). In this regard, she was faced with a scheduling conflict, which is not a valid reason for a make-up. *See, supra.*

With respect to Hopkins, oversleeping is not a valid reason for a make-up pursuant to *N.J.A.C.* 4A:4-2.9(a).

Regarding Nicholl, *N.J.A.C.* 4A:4-2.9(a) provides that death in the candidate's immediate family is an acceptable reason for granting a make-up. *N.J.A.C.* 4A:1-1.3 defines immediate family as an employee's spouse, domestic partner (*see* section 4 of P.L. 2003, c. 246), 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. It is noted that Nicholl does not provide any evidence to support his claims. *See N.J.A.C.* 4A:4-6.3(b)

With respect to Thompson, the information that he provides on appeal indicates that he began experiencing symptoms on June 13, 2022, *i.e.*, two days after his scheduled test date. In addition, Thompson does not provide any evidence that he was unable to take the subject test on June 11, 2022. Moreover, as noted above, misremembering the test date is not listed as one of the reasons for a make-up pursuant to *N.J.A.C.* 4A:4-2.9(a).

ORDER

Therefore, it is ordered that these appeals and requests 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 1ST DAY OF FEBRUARY, 2023



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