



**STATE OF NEW JERSEY**

In the Matter of Daryl Gordon,  
Sheriff's Officer Lieutenant  
(PC4980C), Passaic County

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

CSC Docket No. 2022-3152

Examination Appeal

**ISSUED:** February 22, 2023 (**ABR**)

Daryl Gordon appeals the determination of the Division of Administration<sup>1</sup> denying his request for a make-up for the promotional examination for Sheriff's Officer Lieutenant (PC4980C), Passaic County.

By way of background, the subject announcement was issued on November 1, 2021, with an application filing deadline of November 22, 2021, and indicated that the subject test was tentatively scheduled to be administered in May 2022. Notices dated May 5, 2022, informed candidates that the subject test was to be administered on May 26, 2022. On May 17, 2022, the appellant filed a make-up request in which he indicated that he would be on an overseas trip on the exam administration date. In support of his request, he provided an airline and hotel reservation confirmation which indicated a reservation booking date of January 22, 2022, a hotel check-in date of May 22, 2022, and a hotel check-out date of May 28, 2022. In a letter dated May 23, 2022, the Division of Administration indicated that the appellant's request did not meet the criteria pursuant to *N.J.A.C.* 4A:4-2.9.

On appeal to the Civil Service Commission (Commission), the appellant explains that the examination date conflicted with his honeymoon, which was from May 20, 2022, to May 28, 2022. He indicates that at the time he booked this trip in

<sup>1</sup> Prior to December 1, 2022, the Make-Up Unit was part of the Division of Administrative and Employee Services.

January 2022, he was not aware that the subject examination would be administered on a date that conflicted with his honeymoon. He also advises that by the time he was notified of the scheduled examination date on May 15, 2022, he could not have rebooked his honeymoon travel without incurring a significant financial penalty. He also argues that his appeal should have been granted because the foregoing circumstances are analogous to the Commission's relaxation of *N.J.A.C.* 4A:4-2.9(b) in *In the Matter of Nicolas DeLeon* (CSC, decided May 23, 2018).

## CONCLUSION

*N.J.A.C.* 4A:4-2.9(b) provides that for professional level engineering, police, fire, correction officer, correctional police officer, sheriff's officer, juvenile detention officer, and other public safety promotional examinations, make-up examinations may be authorized only in cases of:

1. Debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination;
2. Death in the candidate's immediate family as evidenced by a copy of the death certificate;
3. A candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation;
4. When required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); or
5. Error by the Civil Service Commission or appointing authority.

*N.J.A.C.* 4A:1-1.2(c) provides that a Civil Service Commission rule may be relaxed for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes. It is noted that the appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

In the instant matter, the appellant requests that the Commission relax *N.J.A.C.* 4A:4-2.9(b) and permit him to take a make-up of the subject law enforcement promotional examination on the basis of previously scheduled international travel, citing *In the Matter of Nicolas DeLeon, supra.*, in support. While he correctly notes that in *In the Matter of Nicolas DeLeon, supra.*, the Commission relaxed *N.J.A.C.* 4A:4-2.9(b) to permit a candidate to take a make-up of the Police Lieutenant (PM0694V), Bergenfield promotional examination because of pre-planned travel, the circumstances in this case are distinguishable from that matter. Critically, DeLeon booked his travel in January 2017 and candidates were not given notice of the tentative test date for the examination at issue until an Examination Information Alert Promotional Schedule was published on this agency's website in April 2017.

Here, the subject examination announcement, which was issued on November 1, 2021, advised candidates that the PC4890C examination was tentatively scheduled for May 2022. Since the appellant had notice of the tentative May 2022 examination date prior to the date he indicates that he booked his travel, it cannot be said that the appellant has sustained his burden of proof in the instant 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 22<sup>ND</sup> DAY OF FEBRUARY, 2023



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Allison Chris Myers  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Daryl Gordon  
Division of Administration  
Division of Test Development, Analytics and Administration  
Records Center