



**STATE OF NEW JERSEY**

In the Matter of Elizabeth Santos,  
Police Sergeant, Palisades Interstate  
Park (PS9221V), Palisades Interstate  
Park Commission

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

CSC Docket No. 2023-903

Examination Appeal

**ISSUED: March 29, 2023 (ABR)**

Elizabeth Santos appeals the denial of her request for a make-up examination for Police Sergeant, Palisades Interstate Park (PS9221V), Palisades Interstate Park Commission.

By way of background, the subject examination was announced on July 1, 2022 with a closing date of July 21, 2022 and administered on October 6, 2022. The appellant filed a request for a make-up examination with the Division of Administration based upon her pre-planned vacation between October 1, 2022 and October 10, 2022. The Division of Administration sent a letter to the appellant, dated October 12, 2022, which denied her request for a make-up examination, advising that *N.J.A.C. 4A:4-2.9(b)* does not authorize make-up examinations for public safety promotional examinations due to pre-planned vacations.

On appeal to the Civil Service Commission (Commission), the appellant states that she spent more than \$3,000 to book a nonrefundable cruise trip more than a year prior to the scheduled examination. She presents that she was not notified of the scheduled examination date until September 26, 2022. She maintains that she contacted the cruise carrier in an effort to see if she could reschedule her trip to a later time but was told that she could not do so. In support, she submits, in relevant part, a copy of her cruise reservation confirmation, which shows a booking date of October 29, 2021, and a copy of the carrier's cancellation policies.

**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 [Commission] or appointing authority.

*N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

In the instant matter, it is noted that a previously-scheduled vacation does not technically meet the criteria for a make-up examination pursuant to *N.J.A.C.* 4A:4-2.9(b). However, it is noted that the Examination Information Alert for the 2022 police promotional announcement and testing schedule was not issued until March 9, 2022.<sup>1</sup> Thus, it is evident that the appellant made travel plans long before she had reasonable notice of the examination date and that by the time she had notice of the examination date, she could not reasonably change her travel plans, except to forfeit her scheduled itinerary at significant cost. Accordingly, the Commission finds good cause to provide the appellant with a make-up examination, to be considered for prospective employment opportunities only. However, this remedy is limited to the facts of this matter and does not provide a precedent in any other matter.

## ORDER


Therefore, it is ordered that this appeal be granted, and the appellant be scheduled for a make-up examination, for prospective employment opportunities only. The remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

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<sup>1</sup> Further, the Commission notes that the tentative month listed for sergeant titles in the March 9, 2022 Examination Information Alert was February 2023, as opposed to October 2022, when the subject examination was actually administered.

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 29<sup>TH</sup> DAY OF MARCH, 2023



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