



STATE OF NEW JERSEY

In the Matter of Giuseppe Caserta,
Employment Supervisor 1 (PS9924N),
Department of Labor

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

CSC Docket No. 2024-2303

Examination Appeal

ISSUED: July 2, 2025 (MC)

Giuseppe Caserta¹ appeals this agency's determination to deny his request for a make-up examination for the Employment Supervisor 1 (PS9924N), Department of Labor, promotional examination.

By way of background, 24 employees applied for the subject examination and 15 applicants were admitted to the written examination. On April 11, 2024, the applicants, including the appellant, were sent notices that the test was to be administered on May 8, 2024. The appellant submitted a request to the Division of Administrative & Employee Services, Make-Up Unit on April 22, 2024, requesting a make-up as he had no childcare on that date, a closer test location and he suggested dates for the make-up. The appellant's request was denied on May 2, 2024, as it did not fall within the guidelines in *N.J.A.C. 4A:4-2.9*. Agency records indicate that the resulting eligible list of 11 names, promulgated on June 6, 2024 and expires on June 5, 2026. It is noted that nine certifications were issued from the subject eligible list, and seven appointments were made. Finally, four eligibles' names remain on the subject eligible list.

On appeal to the Civil Service Commission (Commission), the appellant reiterates that he was unable to attend the scheduled examination as he had a

¹ Agency records indicate, in relevant part, that the appellant received a regular appointment to the title of Employment and Training Specialist 2, effective February 29, 2020.

“legal obligation of custody/parenting time” with his child on Wednesday evenings. He contends that normally for any “emergency matter” for which he would require evening childcare on a date he has custody, his mother, who is his “trusted babysitter,” would watch his child. However, he maintains that his mother was out of the country on that date. Finally, the appellant argues that he had applied for the examination in 2022 and was not expecting the examination to be held in 2024. In support, he re-submits, in relevant part, a March 28, 2024 confirmation for a May 2, 2024 flight to Italy, with an October 30, 2024 return; a July 30, 2021 Dual Judgement of Divorce which references a Marital Settlement Agreement; and the first and second pages of an undated and unsigned Marital Settlement Agreement, indicating he had custody on Wednesdays.

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 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:4-6.3(b) provides, in pertinent part, that the appellant shall have the burden of proof in examination appeals.

In the instant matter, the appellant requested a make-up examination on the basis that he had a scheduling conflict as his “trusted babysitter” was unavailable. However, the mere fact that the appellant’s “trusted babysitter” was unavailable, is not a sufficient reason to provide him with a make-up examination. Additionally, the fact that the appellant’s scheduled custody day fell on the same day as the examination does not present a sufficient reason for a make-up. Moreover, although the Commission is sympathetic that his “trusted babysitter” was unavailable, he provides no other reasons or explanations as to any other attempts

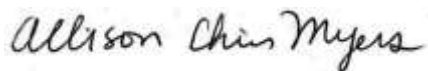
he made in the nearly one month between the notice and the examination date to arrange childcare. *See In the Matter of Bobbi Boges* (MSB, decided March 23, 2005) (Despite repeated attempts to obtain details regarding asserted “birthday dinner plans,” the fact that appellant had prior dinner plans was not a sufficient reason to grant her with a make-up examination). *See also, In the Matter of Michael Companick* (CSC, decided May 1, 2024) (Commission denied the make-up request of an Environmental Specialist 3 promotional examination candidate where the appellant had a scheduling conflict because the championship night of a 10-week competitive cornhole league fell on the scheduled examination date). Accordingly, a through review of the record reveals that the denial of the request for a make-up examination was appropriate, and the appellant has failed to support his burden of proof in this 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 2ND DAY OF JULY, 2025



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