

B-25



STATE OF NEW JERSEY

In the Matter of Jeffrey Papienuk,
Police Sergeant (PM5142),
Parsippany-Troy Hills

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2013-3390

Examination Appeal

ISSUED: **DEC 19 2014** (JH)

Jeffrey Papienuk appeals the administration of the promotional examination for Police Sergeant (PM5142), Parsippany-Troy Hills. It is noted that the appellant received a final average of 78.470 and ranked 27th on the subject eligible list.

By way of background, the subject examination was administered on June 1, 2013, and consisted of two sections: a multiple-choice portion and video-based portion. It is noted that candidates were scheduled to be tested in one of two sessions, in the morning session (9:00 a.m.) or in the afternoon session (12:30 p.m.). The appellant was scheduled to be tested at George Washington Middle School in Wayne at 12:30 p.m.

In a timely appeal submitted at the test center, Mr. Papienuk maintains that the room monitor was receiving text messages and the message alert tone was extremely annoying. He argues that the test began at 2:56 p.m. and ended at 4:28 p.m. "which is not 1 hour and 35 minutes." He also notes that question 56 "was missing a word."¹

In a subsequent submission, Mr. Papienuk explains that during the multiple choice portion of the test, the room monitor informed candidates that it was their responsibility to track their own time and that the start time was 2:56 p.m. He

¹ It is noted that this issue was addressed in *In the Matter of Anthony Gural, et al., Police Sergeant* (CSC, decided December 18, 2013), where the Commission noted that since Mr. Papienuk selected the correct response, his appeal of this item was moot.

asserts that at 4:28 p.m., the room monitor announced that time was up. He presents that he "attempted to show [the room monitor] on the wall clock in the classroom how 1 hour 35 minutes from 2:56 [p.m.] was 4:31 [p.m.], and how the clock hadn't even reached 4:31 [p.m.]" He avers that the room monitor told him that the wall clock was "fast." He contends that the room monitor "must have used another time source . . . to initially start the time" while he was using the wall clock. He indicates that he was unable to finish the test. In this regard, he explains that he marked his initial responses in the test booklet and any response that he was not "100% sure of" he could revisit and mark his final response on the answer sheet. Thus, "all of my questions were answered in the question booklet. During those final minutes of the exam, I was transferring the responses I had initially marked (circled) in the question booklet, onto the answer sheet." He indicates that while other candidates questioned the monitor's timekeeping, he was the only one who filed an appeal because he was "ultimately affected."

He further indicates that the room monitor "was texting on her cell phone, and the audible text ring tone was extremely annoying and distracting." He presents that another candidate told the room monitor that her cell phone "was very distracting, and asked her to stop. [The room monitor] received several more text messages, with the audible ring tone, and I then requested her to turn her phone down." He argues that "it was clearly conveyed that no cell phones were allowed in the testing center, even if it was turned off." He further maintains that he was unaware that he could speak with the Center Supervisor during the exam to address this issue since "that option is not explained to candidates." He contends that "even if I [were] aware that that was an option, I was focused on taking a promotional exam. If I had taken the time to beckon and speak with a Center Supervisor, it would have taken time away from taking the 'timed' test, as well [as] creat[ing] further distraction." He argues that the room monitor "is inadequate to serve as a promotional exam proctor, and due to her unprofessional actions I feel I was shortchanged." He requests that his test be rescored using the answers he circled in his test booklet.

CONCLUSION

It is noted that the Division of Selection Services does not provide warnings prior to the time expiration in an examination but rather, all candidates are responsible to budget their time appropriately in order to complete the test within the allowed time limit. *See In the Matter of William O'Neal, Jr.* (MSB, decided February 9, 2005). In the instant matter, it is noted that room monitors received a Monitors Manual prior to the administration of the subject examination which specifically provides that monitors were to instruct candidates: "It is your responsibility to keep track of your own time. You will not be given a warning as your time is running out and I cannot tell you how much time is remaining." In addition, room monitors were to inform candidates that "your total time allotted is 1

hour and 35 minutes.” Room monitors were to instruct candidates to begin the exam and record the start time. In this regard, a review of the room monitor report finds that the room monitor noted the start and finish time for the subject test as 2:54 p.m. and 4:29 p.m., respectively. In addition, the Division of Selection Services contacted the room monitor who was assigned to the appellant’s test room. The Division of Selection Services reported that the room monitor indicated that she used her cell phone only as a timing device, due to a shortage of stopwatches at the test center. Moreover, it is noted that no other appeals regarding this issue were filed by candidates assigned to Mr. Papienuk’s room at his test center.

With regard to the appellant’s claim that he “marked his initial responses in the test booklet,” it is noted that candidates were instructed that “you may write in the test booklet; however, your answers must be recorded on your answer sheet. You will not receive credit for any answers you mark in the examination booklet. Only your answer sheet will be scored.” Furthermore, a review of the appellant’s test booklet finds that, of the items for which he did not indicate a response on his answer sheet (questions 16, 17, 18, 24, 26, 27 and 35), he clearly indicated a single response only for questions 17, 26 and 35.² Thus, his argument that he was merely “transferring the responses I had initially marked (circled) in the question booklet, onto the answer sheet” is disingenuous.

Regarding the appellant’s assertion that the room monitor “was texting on her cell phone” during the test, it is noted that test centers are under the supervision of Center Supervisors. The appellant had the opportunity to address the issue of the alert tone with the Center Supervisor on the test date if Mr. Papienuk and the room monitor could not come to an agreement. There is no record of the appellant complaining of this issue to the Center Supervisor during the test administration when a remedy could have been provided. In addition, the Division of Selection Services reported that the room monitor indicated that she did not send text messages during the test administration. Although Mr. Papienuk argues that he was not informed that he could speak with the Center Supervisor during the exam, he then posits that he would not have done so since he was “focused on taking a promotional exam” and this would have taken time and created a further distraction. Furthermore, the Commission is not persuaded that this was a significant distraction given that no other appeals were received regarding this issue.

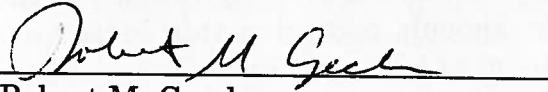
ORDER

Therefore, it is ordered that this appeal be denied.

² It is noted that for question 16, he crossed out one of the answer choices; for question 18, he crossed out two of the answer choices; for question 24, he wrote lines next to two answer choices and “yes” next to the remaining two choices; and for question 27, he circled two answer choices.

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 17TH DAY OF DECEMBER, 2014



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