8-114



STATE OF NEW JERSEY

In the Matter of Cyril Eneh, Legal Secretary 2 (S1240L), Statewide

CSC Docket No. 2013-2982

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: FEB -9 2015

(RE)

Cyril Eneh appeals the test administration of the typing portion of the examination for Legal Secretary 2 (S1240L), Statewide.

The appellant took the written portion of the examination on April 22, 2010 and passed. Thereafter, he took a five minute qualifying typing test which was pass/fail and the appellant failed. The list was certified on February 8, 2013, and disposed on April 12, 2013. The appellant was removed for failing the clerical performance examination and received a Certification Disposition Notice of this dated April 22, 2013. In an appeal dated May 7, 2013, the appellant appeals the testing conditions. Specifically, he states that the room monitor may have shorted him five minutes of time. He states that he was not told when the test started and ended. Also, the appellant claims that the test monitor deleted his trial page, which was paginated. As such, he claims that the page layout was changed and he had to insert returns to double space the lines rather than use the toolbar. He requests to be allowed to retake the typing test.

N.J.A.C 4A:4-6.4, (Review of examination items, scoring and administration) states that appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the examination.

CONCLUSION

At the outset, Mr. Eneh took the typing test, however, the actual date he took it is uncertain. After receipt of his Certification Disposition Notice he filed an

appeal of test administration. As such, this appeal is clearly untimely. Appeals of test administration must be filed in writing at the examination site on the test date. See N.J.A.C. 4A:4-6.4(c). Additionally, all candidates for examinations are provided with an informational flyer that specifically informs them of the need to appeal administration issues, including how the examination is conducted, at the examination center. The Appellate Division of Superior Court has noted that "the obvious intent of this 'same-day' appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered." See In the Matter of Kimberlee L. Abate, et al., Docket No. A-4760-01T3 (App. Div. August 18, 2003). At this point, no information about the administration of this test is available. It is noted that the appellant merely asserts that the monitor made an error and provides no proof that the monitor was incorrect in her timing of the examination. Candidates are able to use their own watches or whatever clock may be available. Further, candidates cannot start the examination before the monitor tells them to start. Any page layout or other document control that is performed in a trial cannot be saved to be used during the examination, as that would provide the appellant with an unfair advantage of time over other candidates who would have to perform document controls during the examination time.

A thorough review of the record indicates that this appeal is untimely and the determination of the Division of Selection Services was proper and consistent with Civil Service Commission regulations, and that appellant has not met 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 4th DAY OF FEBRUARY, 2015

Robert M. Czech

Chairperson

Civil Service Commission

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c: Cyril Eneh Dan Hill