

In a supplement to the appeal, the appellant argues that the monitor deviated from established procedure by not returning his papers and allowing him to answer the remaining questions. He states he "was given a piece of paper by the proctor and instructed that he had 5 minutes to prepare his notes." He states that this caused great confusion since it deviated from the instructions in the guidelines he was given on the day of the exam. Since he had already prepared his notes there was no need for the proctor to give him any paper to write notes. He states that, during the presentation, he stopped, said he was confused, and asked the monitor whether she has given him 10 minutes to answer one question, and the monitor said yes. He maintains that, for the evolving scenario, the monitor gave him the instructions normally given for the arriving scenario. He states this caused him to become confused and therefore unable to present answers to the best of his abilities. He requests to be retested.

CONCLUSION

The Commission makes every effort to insure that test administration is as uniform as possible for all candidates. As such, monitors read from a script and then answer any questions at the end of their instructions. The script is the same for all candidates and monitors do not deviate from this script when giving instructions. A review of the recording of the appellant's presentation reveals that the monitor followed appropriate protocol and the script for both presentations. As part of the instructions for the evolving scenario, the monitor stated, "I will return your notes before the exercise begins and you may refer to the notes during the exercise. Remember to direct your response to the video camera. Do not direct your response to me. I will not be involved in the scoring of your exam. Make your presentation to the camera as though the camera was your audience. Both you and I will remain anonymous, and you will be referred to by your candidate ID number only. Were you given a general instruction sheet?" The appellant responded, "Yes." The monitor asked, "Did you sign a pledge form?" and again the appellant responded, "Yes." The monitor asked, "Were you given 15 minutes to prepare for the fireground evolving scenario?" and the appellant said "Yes."

The monitor then said, "Okay. You will give your response to the fireground evolving scenario first. You will have 10 minutes to respond to all of the questions for that scenario, not 10 minutes for each question. I will give you a 2 minute warning at the 8 minute mark. When it appears that you have completed your response I will ask if you have anything you would like to add. This does not imply that you have or have not missed anything in your response. After the evolving scenario, you will be given the fireground arriving scenario. You will have 5 minutes to prepare and 10 minutes to respond to all of the questions in this scenario." The appellant put out his left hand and stated, "I'm confused." The monitor replied, "Um, first you're going to give your response to the evolving

scenario that you just prepped for..." The appellant said, "I've got ten minutes." The monitor continued, "And after that we'll do another scenario. Yeah, you'll have another..." The appellant stated, "Okay, so this is just one scenario right now." The monitor responded, "Yes." The appellant said, "Okay." The monitor continued, "Let me just give you back the notes from earlier." She placed the papers in front of the appellant and asked him if he had his notes and test questions, and he said "Yes." She told him he could remove the staple from the diagrams and asked, "Do you have any questions about the process before we begin?" The appellant does not look up at her, but pauses, continuing to looking at the papers and says, "Ah, let's see. I can u... I can use my own timer?" She responded, "Yes." The appellant pulled his timer from his shirt pocket and was looking at it when she asked, "Any questions about the process?" The appellant stated, "Ah, no. Hold on one second." He then fiddled with the timer and whispered, "This is stuck." He tucked the timer back in his pocket and said, "Never mind. Forget it." The monitor stated, "Alright. Remember you have 10 minutes to respond to all the questions for the evolving scenario, not 10 minutes for each question. And I'm just going to read over those questions real quick." The monitor then read each of the three questions aloud, and said, "Okay, you may begin your response to the evolving scenario now." The appellant then responded to question 1 for the entire 10 minutes, and did not respond to questions 2 and 3.

A review of these instructions and the monitor's behavior indicates that the monitor followed protocol to the letter. She read the evolving scenario instructions, not the arriving scenario instructions. In doing so, she repeatedly told the appellant that he had 10 minutes to answer all three questions. She repeatedly asked him if he had any questions about the process before they began. There is not one scintilla of evidence that the monitor made any error whatsoever. The monitor did not deviate from the instructions she was told to give to the appellant, and he received the same instructions as everyone else. The notes that the monitor handed to the appellant were the ones that he had himself prepared for the evolving scenario. It was totally appropriate for her to give him these notes, and he was allowed to use them in his response. Also, the appellant did not ask the monitor if he had 10 minutes to respond to question 1. Rather, the monitor said that he was responding to the evolving scenario, and after he reiterated that he had 10 minutes to respond to the first scenario, the monitor confirmed this information. The monitor was not evasive in anyway and her instructions were not unclear. The appellant did not stop during his presentation to state that he was confused and ask whether or not she was giving him 10 minutes to answer question 1. Additionally, after the evolving scenario concluded, the note paper the monitor provided him next was for the arriving scenario. In sum, the appellant's arguments are simply incorrect and the recording does not support his version of events.

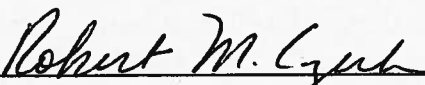
A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met his burden of proof in this matter.

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 15th DAY OF APRIL, 2015**



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