

CONCLUSION

At the outset, *N.J.A.C. 4A:4-6.4(c)*, states that a candidate wishing to challenge the manner in which the examination was administered must file an appeal in writing at the examination site on the day of the examination. 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). The appellant filed an appeal of this issue seven days after he took the examination. As such, an appeal of this issue, *i.e.*, test administration, is untimely.

Nevertheless, a review of the merits of this appeal shows that appellant is not entitled to any further relief. The monitors were required to read the following passage aloud to all candidates prior to administering the examination. They are told not to improvise to make any other changes to the script. Among the information given, the monitor stated, “All appeals of test administration, not the exam content, must be done **today** at the test center.” The appellant argues that she told the room monitor that the test “was not done correctly due to improper instructions,” and the monitor did not suggest an appeal. The appellant provides no further details, and it is not known what was actually said. In any event, ALL candidates were officially informed that appeals of test administration must be done at the test center. Additionally, this examination has been given to hundreds of candidates, and the same instructions are read at each administration. Instructions are also provided by the computer, and all candidates are required to read them. The appellant maintains that the instructions were unclear, but she provides no details regarding this statement, or about what she was unclear.

Next, the appellant was scheduled for the STB after notifying Civil Service Commission staff that she did not get a notification. Generally, the remedy for not being notified of an examination is to be rescheduled for the examination. The appellant was scheduled for the examination prior to the administration of it, and as she took the examination, no further remedy is warranted for that issue. The appellant argues that she did not have enough time to prepare for the examination. Nevertheless, when this examination was announced in May 2017, it indicated that, “This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>.” As such, she was on notice in May 2017, the same time that all other candidates were on notice, that this may be tested via the STB. Once she filed an application, she should have an expectation that she would be taking the examination, and should begin any test preparation at that time. The appellant’s arguments do not warrant a retest.

A thorough review of the record indicates that this appeal is untimely, the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met her 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
THE 15th DAY OF NOVEMBER, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Sudesh Mehta
Hollie Nelson
Records Center