

needed to read to the scenario. He also states that he was not given an opportunity to appeal testing conditions.

CONCLUSION

N.J.A.C. 4A:4-6.4(c) states that an examination 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.

Since this appeal of test administration issues was not submitted on the test date, it is untimely. Specifically, the appellant took the examination on the March 10, 2018, and filed an appeal two days later, on March 12, 2018. The Civil Service Commission makes every effort to insure that test administration is as uniform as possible for all candidates. As such, monitors read from a script when giving instructions and do not deviate from this script. In the preparation room, candidates were told, "If you wish to appeal how the exam was administered, you must file your administrative appeal before you leave the test center with the Center Supervisor. No appeals on how the exam was administered will be accepted after you leave." In *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003), the court 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. As such, the appellant's argument that he was not informed of the appeal process is unpersuasive, and this appeal is untimely.

Although the appellant's appeal is untimely and is dismissed solely on those grounds, the following is provided for informational purposes only. Monitors do not read the questions for the evolving scenario. In the presentation room, the monitor removes the examination from the envelope and hands it to the candidate. The scenario is placed in front of the candidates, and the monitor asks the candidate if he has his notes and test questions. A review of the video indicates that the appellant did, and said, "Yes I do." The appellant responded to each question asked by the monitor and did not indicate that he did not understand her.

For the arriving scenario, a five-minute preparation period was given wherein the candidates had the opportunity to read the scenario and think about their responses. The monitor stated, "You will now be given the Fireground Arriving scenario. I will read the scenario and questions to you. You may use this copy of your scenario, questions and diagrams to follow along as I read the scenario and questions. After the scenario and questions, you will have five minutes to prepare. After the five minutes you will have ten minutes to respond to all of the questions, not ten minutes for each question. I will give you a two-minute warning for your preparation time, and response time." The appellant is arguing that after having the scenario and questions read to him, while he read along, and after a five-minute preparation period

when he could have read the scenario, he needed to read the scenario during his response time. The video shows that the appellant confirmed that he had the examination papers and put his social security number on the notetaking paper, the diagrams and the scenario, and had no trouble following these verbal instructions and responding to the monitor's questions. When the preparation time began, the appellant begins taking notes immediately. He is seen to be reading the scenario and questions, using his pen to follow lines of script, then he continues taking notes, and checking the diagrams. At one point, he puts his pen down, then picks it up and continues writing. When the time for the response period began, the appellant did not remain silent to re-read the scenario, but began his response immediately. A review of these circumstances indicates that there is no evidence that the monitor's accent had the effect that the appellant maintains, that he had to utilize his response time to re-read the scenario rather than to respond.

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 18TH DAY OF APRIL, 2018



Deirdré L. Webster Cobb
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: Terry Bell
Michelle Karngbaye
Records Center