



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Admiral Wimberley,
Fire Captain (PM1046V), Newark

CSC Docket No. 2018-2993

Examination Appeal

ISSUED: August 20, 2018 (RE)

Admiral Wimberley appeals the administration of the oral portion of the examination for Fire Captain (PM1046V), Newark.

The oral portion of the first level fire supervisor examination was administered to the appellant on April 7, 2018. The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to plan strategies and tactics based upon a building's structure and condition (arriving). For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond to three questions. For the arriving scenario, a five minute preparation period was given and candidates had 10 minutes to respond to two questions.

In an appeal received April 13, 2018, the appellant appealed the testing conditions. Specifically, he stated that the room monitor tripped over the camera, moving it out of its original position. He stopped and advised her of the event, and she readjusted the camera but did not restart the recording. He states that the recording camera had not been restarted and he was not given the opportunity to complete his full response, and thus was disadvantaged. In a supplement to his appeal, the appellant states that the incident was a distraction, and he had to regain

his composure and attempt to answer the question while mentally adjusting for time. He states that “waiting until the end of the presentation to tell me that you were providing me with extra time was also unfair,” and that telling him the extra time would be added when the incident occurred would have been less of a distraction.

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 April 7, 2018, and filed an appeal six days later, on April 13, 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. The videotape has been reviewed and the appellant was not shorted any time. At no time did the camera stop, and the presentations are also audiotaped. The examination began at the 6:08 mark, and at 6:16 the monitor tripped and the camera moved slightly to the right. The appellant said, “Ma’am, the camera,” and stayed silent, watching while she readjusted it. He began again at 6:35, after a pause of 19 seconds. He was given a two-minute warning at 14:08, and did not begin his conclusion, but continued giving responses. The room monitor stopped him at 16:40, giving him an additional 32 seconds to respond. He could have chosen to continue responding while the room monitor adjusted the camera, but did not do so. The monitor was aware of the pause, and provided the appellant with an additional half a minute to compensate. There is no evidence that the appellant was disadvantaged by this incident. He continued with his presentation after the incident with no discernable pause or flustered attitude. He could have continued without pause after the incident, as he was still on camera, but he chose to stop. As he was given a two-minute warning, he was well aware of how much time he had left to provide a conclusion. A review of these

circumstances indicates that there is no evidence that the incident had the effect that the appellant maintains. Candidates are told to budget their time, and the appellant received, and he used, the full allotment of time.

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 AUGUST, 2018



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