



**STATE OF NEW JERSEY**

In the Matter of S.J., Chief, Contract Administration Section (PS3351N), Department of Labor and Workforce Development	:	<b>FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION</b>
	:	
	:	
	:	
CSC Docket No. 2022-1527	:	Examination Appeal
	:	
	:	
	:	

**ISSUED: FEBRUARY 18, 2022  
(SLK)**

---

S.J. requests to re-take the Chief, Contract Administration Section (PS3351N), Department of Labor and Workforce Development promotional examination.

By way of background, the subject examination was conducted on December 16, 2021, utilizing the Management Test Battery (MTB). A total of four employees applied for the subject examination and all four were admitted. On her application for the examination, S.J. did not indicate a need for an Americans with Disabilities Act (ADA) accommodation. She took the MTB along with two other candidates as one candidate did not show. The test monitor notes indicate that S.J. advised the monitor that she had an insulin pump prior to the test, and she may look at it because she would have to drink apple juice. After S.J. took the test, at the test administration cite, she filed an appeal stating that her blood sugar got low during the test, which caused concentration and vision issues. Therefore, she requested to re-take the test. In order to pass the examination, a candidate needed to achieve a minimum raw score of 57.4. S.J. did not receive a passing score, as her raw score was 55.8. There was one candidate who passed the test and certification PS220032 was issued containing the name of the one eligible. The certification's disposition is due April 7, 2022. The list expires on January 5, 2024.

On appeal, S.J. presents that she is a diabetic and insulin dependent. She states that she wears an insulin pump and a continuous glucose monitor (CGM) that monitors her blood sugar. S.J. provides that her cell phone and pump send alarms when her blood sugar is rising to prevent hyperglycemia or falling to prevent hypoglycemia. She presents that prior to the test, at the test administration cite, instructions were provided which advised that cell phones were prohibited and if cell

phones were seen or heard, the candidate would be automatically disqualified from the examination. Therefore, S.J. states that she was prohibited from viewing her blood glucose levels and receiving alarms during the test. S.J. indicates that upon hearing the instructions, she immediately informed all proctors that she was a diabetic and wore an insulin pump, which she displayed, and she needed to view her blood sugar during the test via her cell phone or pump. In response, she states that she was instructed that cell phones were prohibited, and her insulin pump could not be placed in eye sight and could not make any noise/sound. Consequently, she silenced her pump and placed it on her lap. However, S.J. presents that this directly prohibited her from being able to monitor her blood glucose levels or receive alarms during the test. She asserts that she immediately became very anxious and nervous and was not aware, as she was not able to detect, that her blood sugar dropped low and she was experiencing hypoglycemia during the test. S.J. indicates that hypoglycemia caused her vision to become blurred and unable to fully concentrate. S.J. indicates that it was not until after the test and she checked her pump, she discovered that her blood sugar continuously dropped over the course of the test. She emphasizes that without either a meter or a CGM, she had no way of detecting or preventing hypoglycemia during the test. S.J. explains that she did not request an accommodation prior to the test because she did not know that she would not be allowed to view blood glucose levels via her cell phone or pump during the test.

## CONCLUSION

*N.J.A.C. 4A:4-2.14(a)* provides that otherwise qualified applicants with disabilities may request an accommodation by indicating their request for an accommodation on the examination application and, upon receipt, this agency shall make a reasonable accommodation where appropriate and notify the candidate of the arrangements.

*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 may file an appeal in writing at the examination site on the day of the examination.

*N.J.A.C. 4A:4-6.3(b)* provides that the appellant has the burden of proof in examination appeals.

In this matter, a review of the subject examination announcement provides a link to a specific page on this agency's website. On this page, there is a link to the Multiple-Choice Exam Orientation Guide, which advises candidates that cell phones are strictly prohibited from test centers. Also, on this agency's website, under "Testing Facility Information," it says, "**URGENT NOTICE: You are not permitted to have a cell phone** within the Test Center. If you are found to have a cell phone, you will be disqualified from the testing process." Further, a review of S.J.'s application indicates that when asked if she needed ADA Assistance, she indicated

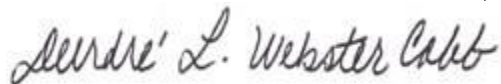
“No.” Therefore, the record indicates that S.J. knew, or should have known, that cell phones were not permitted at the test facility and she should have requested an accommodation prior to the test which would have allowed her to utilize her insulin pump. However, the record indicates that she failed to do so. Additionally, at the test site, once S.J. realized that she could not use her cell phone and be able to monitor her blood sugar during the test, prior to being exposed to the test, she should have requested an accommodation to take a make-up test. However, the record indicates that she failed to do so. Instead, only after being exposed to the subject MTB did S.J. request to re-take the test. While unfortunate, once she was exposed to the test, she cannot be given a re-test as that would be unfair to the other candidates. Therefore, there is no remedy that can be provided. In the future, S.J. is advised to indicate on her application that she needs ADA assistance so that she can be provided an accommodation prior to taking a test.

### ORDER

Therefore, it is ordered that this request 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 16<sup>TH</sup> DAY OF FEBRUARY, 2022




---

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris 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: S.J.  
Tennille McCoy  
Division of Administrative Services  
Records Center