



STATE OF NEW JERSEY

In the Matter of Nicholas Hannibal,
Police Lieutenant (PM4148C), City of
Newark

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

CSC Docket No. 2022-1222

Examination Appeal

ISSUED: May 2, 2022 (ABR)

Nicholas Hannibal appeals the administration of the promotional examination for Police Lieutenant (PM4148C), City of Newark.

By way of background, the subject promotional examination was administered on October 23, 2021.

In an appeal dated November 18, 2021, the appellant argues that there was not a sufficient amount of time given to complete the test. In this regard, he contends that the examination questions were overly lengthy and that the two hours and 50 minutes allotted to complete the examination was inadequate and caused many examinees to be unable to complete the subject examination. He also states that he “spoke to many sergeants who took the exam” and claims that “[t]he majority said they did not finish the exam [and felt that] inadequate time was given to adequately complete” the subject examination. He further contends that there was a similar issue with the 2019 administration of the Police Sergeant promotional examination which was not rectified with the administration of the subject examination. Finally, he argues that candidates for the Police Lieutenant should instead have be given the same three hours and 50 minutes to complete the examination that is allotted to eligibles taking the Police Captain examination.

The Division of Test Development, Analytics and Administration (TDAA) avers that Hannibal has not sustained his burden of proof with regard to the argument that

there was an insufficient time allotted to complete the subject examination. In this regard, it maintains that Hannibal's comparisons to the 2019 Police Sergeant examination and the Police Captain examinations to show that more time should have been allotted to candidates taking the subject examination are misplaced. It proffers that candidates are given more time to complete Police Captain examinations because they contain not only a multiple-choice portion, but also an essay component which requires them to read a scenario and to provide a hand-written response to multiple questions. Conversely, Police Lieutenant examinations have only a multiple-choice portion. As such, it contends that the difference in examination structure justifies the allocation of additional time to the Police Captain examination. Similarly, it contends that the 2019 Police Sergeant examination is not comparable to the subject examination as they differed in many important ways, including, in part, the number of items, format and total test times. Moreover, TDAA points out that while the subject examination did contain some lengthier items to present full fact patterns needed to help candidates determine the best answers, it also had a number of shorter items. Further, TDAA observes that Hannibal was the only candidate to file an appeal regarding the length of the examination and it contends that if there was truly an issue with the length of the examination, far more of the 957 examinees would have filed similar appeals.

CONCLUSION

N.J.A.C. 4A:4-6.4(c) provides 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. The Appellate Division of the 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). In the instant matter, because there is no record of the appellant filing an appeal regarding the administration of the examination until after the test date, his appeal is considered untimely. Regardless of the foregoing, the Commission will address the substantive issues in this matter. It is noted that *N.J.A.C.* 4A:4-6.3(b) provides that the appellant shall have the burden of proof in examination administration appeals.

In the instant matter, the Commission agrees with TDAA that the appellant has not sustained his burden of proof. At the outset, because each examination is considered a separate entity, any issues with the 2019 Police Sergeant examination do not have a bearing on whether there was sufficient time allotted for candidates to complete the subject examination. Instead, the focus is strictly on the subject examination. TDAA correctly notes that while there were some portions of the examination with lengthier prompts to communicate necessary facts to examinees, a significant number of questions on the examination had prompts that were four

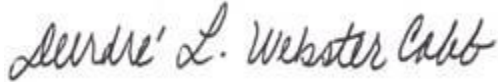
sentences in length or less. Against this backdrop, the appellant's vague assertion that a number of test questions were "overly long" does not present a sufficient basis for the Commission to conclude that TDAA did not give candidates sufficient time to complete the subject examination. Tellingly, despite the appellant's claim that he spoke to "many sergeants," of whom a majority felt that they were given insufficient time to complete the examination, the appellant was the only candidate to file an appeal arguing that insufficient time was allotted for the subject examination. As such, the Commission is not convinced that there was a widespread issue with the administration of this examination. Accordingly, the appellant has failed to support 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 27TH DAY OF APRIL 2022



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