



STATE OF NEW JERSEY

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

In the Matter of Nelida Andujar,
Senior Human Services Technician
(PS8026H), Ancora Psychiatric
Hospital, Department of Health

Examination Appeal

CSC Docket No. 2023-2854

ISSUED: May 1, 2024

Nelida Andujar appeals the examination administration for the promotional examination for Senior Human Services Technician (PS8026H), Ancora Psychiatric Hospital, Department of Health.

By way of background, the subject examination was announced on March 1, 2022 and had a closing date of March 21, 2022. The examination was open to employees in the competitive division who were currently serving as a Human Services Technician and had an aggregate of one year of continuous permanent service as of the closing date. The appellant was admitted to the examination, which was held on June 13, 2023. Candidates were required to answer questions 11 through 90. The appellant correctly answered 32 out of the 80 questions. However, the passing score was 44. As such, the appellant did not pass the examination. It is noted that the appellant did not file an appeal at the test site. It is further noted that the resulting eligible list promulgated on October 5, 2023, with 106 eligibles, and expires on October 4, 2026.

In letters dated June 14, 2023 and October 12, 2023, postmarked June 20, 2023 and October 16, 2023, respectively, the appellant claims that the examination instructions were neither given verbally nor written anywhere on the test or on the board. However, she asserts that she was advised by the examination monitor to begin her examination on question #11 of the answer sheet. However, she began answering question #1 in the test booklet and entered the answers beginning on #11 on the answer sheet. Upon discovery of the error at the time the appellant handed in her examination, the appellant indicates that the monitor permitted her to erase her

answers and make the necessary corrections. Additionally, the appellant contends that other candidates who completed their examinations incorrectly were permitted to re-enter their answers into a new answer sheet, rather than erasing their incorrect answer sheets. Consequently, the appellant was unable to complete the corrections in the allotted time. Therefore, although she understands that she has been previously exposed to the test questions, the appellant requests an opportunity to be retested.

CONCLUSION

At the outset, it is noted that there is no provision in the rules for a retest, which is not the same as a make-up examination. Once the examination is taken, a score is based on the given responses. Therefore, the appellant has been exposed to the test questions. At this point, the administration of the examination is complete, and the appellant has been provided an opportunity for review. In fairness to other candidates, the appellant cannot be given the examination again.

Furthermore, the appellant's answer sheet indicates that she provided answers for each assigned question, 11 through 90 as per the instructions. The appellant completed her responses to each question and was scored accordingly. The Division of Test Development, Analytics and Administration reviewed the appellant's answer sheet and determined that regardless of the corrections she made, the appellant still would not have achieved a passing score even if she had she inputted her answers correctly. Moreover, if the appellant had questions about the procedures, she needed to raise such questions prior to the administration of the examination. The Division of Test Development, Analytics and Administration confirms that examination proctors are informed to clearly instruct the applicants to verify that they have been given the correct answer sheet by looking on the upper right side of the answer sheet for their name and social security number. Additionally, the candidates are instructed that below the aforementioned information, they will see the symbol or symbols that they have applied for, and below that it says, "Answer these questions," indicating that those are the only questions they are to answer. The candidates are also informed that anything else will not be graded and will not count toward their score. Furthermore, they are advised that as they take their test, they need to ensure that they are bubbling their answer in the corresponding number on their answer sheet. The proctors then ask if there are any questions about which items are to be answered. Once in agreement, the candidates are required to provide their initials on the bubble sheet to indicate that they understood the instructions. It is noted that the appellant's answer sheet reveals that she provided her initials, indicating that she understood the instructions.

Moreover, with regard to her other claims, although the appellant discussed the error with the monitor and was given an opportunity to correct her error during the remaining time of the examination, the appellant did not file an appeal at the test center with regard to the issues she faced in completing the examination properly. In that regard, *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. Since the appellant's appeal of test administration issues was not submitted on the day of the administration, it is considered untimely. *See 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."


Accordingly, 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 the appellant has not met her burden of proof in this matter. *See N.J.A.C. 4A:2-1.4(c)*.

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 1ST DAY OF MAY, 2024



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Deputy Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Nelida Andujar
Records Center
Division of Test Development, Analytics and Administration