

STATE OF NEW JERSEY

:

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tajah Seldon, Fire Fighter (M1556T), Newark

,

CSC Docket No. 2017-3064

Examination Appeal

:

ISSUED:

September 11, 2017

(RE)

Tajah Seldon appeals the administration of the physical performance portion of the examination for Fire Fighter (M1556T), Newark.

The physical performance portion of the examination was administered to the appellant on March 21, 2017. The appellant performed the obstacle course and the darkened maze crawl within the allotted times. Nevertheless, the appellant completed the ladder climb in 41.63 seconds and the passing point was 33 seconds. In his undated appeal postmarked March 29, 2017, the appellant contends that the instructions that he was given were incomplete. Specifically, he states that he was not told that he had to have both feet on a specific rung of the ladder when he reached the top and touched the red tape. He argues that he would have been able to complete the event in the time allotted had he been given the proper instructions.

CONCLUSION

At the outset, *N.J.A.C.* 4A:4-6.4(c), states that a 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. The Appellate Division of 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). The appellant filed an appeal of this issue eight days after he took the examination. As such, an appeal of this issue, *i.e.*, test administration, is untimely. As to notification of the

appeal process, every candidate is given the Appeal Procedures sheet when they arrive at check-in. The check-in monitor tells the candidate what they are receiving and to read over the sheet. If candidates have specific questions regarding the appeals process, they should ask those questions before leaving the test center. The Center Supervisor did not indicate that the appellant filed an appeal at the test center.

Nevertheless, a review of the merits of this appeal shows that appellant is not entitled to any further relief. The Civil Service Commission makes every effort to insure that test administration is as uniform as possible for all candidates. Instructions are given verbally, but they were also given in a video shown to all candidates prior to the administration of the exam, and in the Fire Fighter Physical Performance Test Physical Fitness Manual. The instructions available for the Ladder Climb in the Fitness Manual, on page 8, state, "On the command Ready-Go," the candidate ascends the ladder, holding either the rails or the rungs and stepping each rung along the way, until both feet are standing on the rung at the 18 verticalfoot level. This rung is marked with red tape." The Fitness Manual is available to all candidates well in advance of the administration of the examination. Candidates are given these instructions multiple times in order to ensure that they comply with the testing requirements. A review of these circumstances indicates that, rather than not receiving the proper instructions, the appellant did not follow instructions. The examination was administered to the appellant in the same manner as it was administered to all other candidates, and the situation does not warrant a retest.

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 COMMISION THE 6th DAY OF SEPTEMBER, 2017

Robert M. Czech 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: Tajah Seldon Michael Johnson Records Center