



candidate did not complete any one of the three physical performance exercises in under the allotted times, that candidate failed the examination.

### **CONCLUSION**

The appellant has not presented a persuasive argument for a retest. Each Center Supervisor makes notes of non-routine occurrences in the testing center. In this case, the Center Supervisor notes indicate that the appellant was asked what had happened, and he responded by saying that he did what he was told, and did not get lost, but was too slow. All candidates had access to the physical performance test, physical fitness manual which provides a description of the darkened maze crawl. This document states, "The candidate enters one end of the maze to the 'Start' position (at the first curtain), stops, and waits for the Examiner to give the command, "Ready – Go." The candidate then proceeds to the far side exit." The appellant also saw a video with instructions. The monitor read the instructions in full, then asked the candidate if he is ready, then gave the command, "Ready Go" and started the clock. When contacted regarding this issue, the Center Supervisor, stated that if the appellant's version of events on appeal was correct, he would have heard the monitor on the maze repeat the phrase "Ready, go" if the candidate had asked the monitor through the curtained wall if he was asking when to begin. The monitor would have also brought this to his attention, and this did not happen. The monitor of the darkened maze crawl is not permitted to speak to the candidates while they are inside as it is very easy to miscommunicate through the wall. The other monitors are allowed to speak to candidates through the whole evolution. The appellant's argument that he failed because the instructions or the monitor's behavior was faulty is unpersuasive. The appellant was treated the same as every other candidate. He will not be provided with a retest.

A thorough review of the record indicates that the determination of the Division of Test Development and Analytics was proper and consistent with Civil Service Commission regulations, and that the 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 23rd DAY OF OCTOBER, 2019



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