



protocol for “enforcing the option” of the use of an E&E exam (Education and Experience).

## CONCLUSION

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

Since this appeal of test administration issues was not submitted on the test date, it is untimely. Specifically, the appellant took the examination on December 19, 2019, and filed an appeal over a month later, on January 24, 2020. The Civil Service Commission (Commission) makes every effort to ensure that test administration is as uniform as possible for all candidates. As such, in the Check-In Area, candidates were given an Examination Review and Appeal Procedures for Multiple-Choice Examinations sheet which stated, “Any objection to the manner in which your examination was administered must be made in writing. Candidates should complete the Test Administration Comment/Appeal Form provided at the test center to file their objection, and have 5 business days to submit their \$20 appeal fee where applicable.” In *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. The information regarding filing an appeal of test conditions at a test center on the day of the examination also is provided on the Commission’s website. As such, the appellant’s argument that she was not informed of the appeal process is unpersuasive, and this appeal is untimely. The notification card which indicates that a candidate has 20 days to appeal the decision on the notice, not to appeal test administration.

Regarding test mode, according to *N.J.A.C.* 4A:4-2.2, the Civil Service Commission has the authority to determine the most appropriate selection instrument to use in assessing candidates in a given competitive title. For the subject announcements, a decision was made to select individuals for appointment by using the administered multiple-choice examinations.

A thorough review of the record indicates that the administration of the subject examinations was proper and consistent with Civil Service Commission regulations, and that appellant has not met her burden of proof in these matters.

## ORDER

Therefore, it is ordered that these appeals be dismissed as untimely.

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 12<sup>th</sup> DAY OF MARCH, 2020



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