

these occurrences, and was told they would have to contact someone, and that if there were any unanswered questions they would call her. However, no one took her name or any contact information. She states that the events were very frustrating, and that she wasted time resolving the issues. She states that she proceeded as instructed to finish the test, but did it quickly "because of the much wasted time" and that this may have contributed to her low score, with the possibility of questions being skipped.

CONCLUSION

Initially, it is noted that the STB utilizes multiple choice test questions that are presented to candidates on a computer concerning issues, tasks and situations associated with the role as a supervisor in a fictitious organization. It is designed to measure supervisory knowledge and abilities such as analysis and judgment, employee evaluation and development, interpersonal skills, written communication skills, leadership and decision making. The STB is the *sole* selection instrument administered unless it is determined that candidates for the examination have not been tested or evaluated sufficiently in prior positions for other important worker characteristics not measured by this examination. Candidates are allotted three hours and fifteen minutes to take the examination on the computer, and the computer tracks the remaining time as the candidate answers the questions. Any eligible list generated as a result of the STB has a duration of two years, and scores are banked for possible future use. Candidates may retake the STB after one year in response to future announcements for which they may be eligible. The tolling period for banking test scores begins on the date the initial STB examination is administered.

The appellant took the STB on October 13, 2015 and did not appeal test conditions until three days later. *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. The room monitors are required to make an announcement before the start of each examination that, should a candidate wish to appeal the test administration, he or she *must* do so at the test center. Room monitors for the STB specifically read to the candidates, "All appeals of the test administration, not the exam content, must be done today at the test center." Lastly, this information is available on the Commission's website. 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). Since the appellant's appeal pertaining to the test administration issues was not submitted on the date of test administration, her appeal is untimely.

Further, test centers are under the supervision of Center Supervisors. In this case, the Center Supervisor notes indicated that the appellant's computer lost internet connection and she was required to exit the browser and restart the process twice. For the second occurrence, the Center Supervisor noted that the appellant stated that the computer did not bring her back to the same question. She was told by the Center Supervisor that the results would be checked and she would be notified the next day if there were items missed. A review of the results indicates that no items were missed. The appellant answered all of the questions given. As such, she took the entire examination. Ms. Pinho states that the computer problems were frustrating. In this respect, the software for the computer was working correctly, and the problem with the internet connection was with the center. That is, the computer at the test center lost internet connection, which is outside the control of the staff for the examination. The appellant did not lose any time in completing the examination, and she answered all of the questions with over half an hour to spare. There is no evidence that questions were skipped, and the appellant was not shorted any time. Aside from the timeliness issue, the situation is not so egregious as to warrant a retest.

A thorough review of all material presented indicates that the appeal is untimely and the appellant did not support her 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 16th DAY OF DECEMBER, 2015



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