



STATE OF NEW JERSEY

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

In the Matter of Clotilde Castillo
et al., Driver Improvement Analyst 3
(PS3503T), Motor Vehicle
Commission

Examination Appeal

CSC Docket No. 2014-4043 *et al.*

ISSUED: September 26, 2017 (RE)

Clotilde Castillo, Hilma Estrella, Tanuja Mistry, Patricia Ruzycki, and Patricia Vara appeal the administration of the promotional examination for Driver Improvement Analyst 3 (PS3503T), Motor Vehicle Commission.

This multiple-choice examination was administered to the appellants on June 15, 2017. Ms. Vara passed the examination with a final average of 82.960 and a rank of 2, and the remaining appellants failed the examination. In appeals post-marked June 22, 2017, the appellants argue that there was no air conditioning in the classrooms and the windows were closed. Although windows were opened later, there was no breeze and children were making noise outside. They state that the heat and noise made it impossible to think and gave them headaches. The appellants also mention other inconveniences, such as having to take time from work, traffic and construction on the drive to the test center, finding parking, walking in the dark when the exam was over, unclean bathrooms, and waiting in the sun to enter the building. Ms. Mistry adds that she lost track of the time because the monitor did not write the time on the board. The appellants request to retake the examination. It is noted that 17 candidates passed the examination, the list has been certified twice, and no appointments have yet been made.

CONCLUSION

These appeals of test administration of this examination were postmarked on June 22, 2017, a week after the examination was given on June 15, 2017. *N.J.A.C.* 4A:4-6.4(c), (Review of examination items, scoring and administration) states that

appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the examination. As such, these appeals are clearly untimely. Appeals of test administration must be filed in writing at the examination site on the test date.

Further, the 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. Additionally, all candidates for examinations are provided with an informational flyer that specifically informs them of the need to appeal administration issues, including how the examination is conducted, at the examination center. 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.” In any event, the temperature in the centers is not under the Civil Service Commission’s (Commission) control. While the Commission makes every effort to insure that the environment for testing is adequate and free of extraneous distractions, the facilities used for testing are not owned by the Commission, which has no control over the amenities of the facilities. Thus, situations occur which are outside the control of the Commission. The Center Supervisor and the monitors keep notes of unusual occurrences during test administrations, and neither noted that any candidates filed an appeal regarding the heat or the noise.

Regarding timing, the Room Monitor is thoroughly familiar with this examination process and each monitor is provided with a script and is required to follow it. The start time for a written examination is noted on the room blackboard by the Room Monitor, and candidates are expected to track their time. Each examination is given a different amount of time depending on the number of questions to be answered, and the total time is listed on the answer sheet stub. The candidate is required to initial this stub to indicate that he or she has heard the instructions and understands them. The room monitor is required to track the time given for the examination, and the appellant was tested in a room with people taking other examinations that had differing test lengths. The monitor uses the same clock to track the beginning and the ending of the examination, and the appellant has submitted no evidence that she did not appropriately time the examination. It is noted that the examination booklet contained tests for several titles under various examination symbols. This is common in examinations conducted by this agency and each test has a different time allotment which is noted on the blackboard by the room monitor. Candidates for this exam were allotted one hour, 25 minutes to complete the test. However, it is the responsibility of the candidate to budget their time according to the time allotted and actual start time. In this case, the appellants did not provide any evidence that the monitor did not appropriately time the examination.

In any case, the appellants have taken the examination, were given the opportunity to appeal at the test center, and chose not to do so. Instead, after taking the examination, the appellants filed appeals regarding the conditions of the examination room. The appellants have taken the examination and had the opportunity to review the answers. In fairness to other candidates, they cannot be given the same examination again, and the situation as described does not warrant re-administration of the examination.

A thorough review of the record indicates that the appellants have not met their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals 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
THE 20th DAY OF SEPTEMBER, 2017



Robert M. Czedh, 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: Clotilde Castillo (CSC Docket No. 2017-4043)
Hilma Estrella (CSC Docket No. 2017-4044)
Tanuja Mistry (CSC Docket No. 2017-4045)
Patricia Ruzyski (CSC Docket No. 2017-4046)
Patricia Vara (CSC Docket No. 2017-4047)
Valerie Stutesman
Records Center