B-090



STATE OF NEW JERSEY

In the Matter of Kristina DiGirolamo,	·	FINAL ADMINISTRATIVE
Auditor 2 Taxation (PS4470U),	·	ACTION OF THE
Department of the Treasury	·	CIVIL SERVICE COMMISSION
CSC Docket No. 2018-755	·	Examination Appeal
		ISSUED: April 10, 2018 (RE)

Kristina DiGirolamo appeals her disqualification from the promotional examination for Auditor 2 Taxation (PS4470U), Department of the Treasury.

The subject examination was administered on September 7, 2017 to 100 eligible candidates. The appellant was disqualified when her cellphone rang during the examination.

On appeal, the appellant explains that she needed her cellphone to call for a ride home after the examination, and it was turned off. Nevertheless, it rang during the examination. The appellant contends that water damage to her phone caused the operating IO system to reboot her phone the first time she turned it off. She further indicated that she was unaware that the phone would reboot. The appellant argues that disqualification was not fair since she turned off her cellphone. In support, she includes a copy of documents from Sprint containing codes regarding a forced reset, and an explaining that if "your iOS device restarts" you should make sure your device has the latest version of iOS and that your apps are up to date, and if you still need help after updating to contact Apple Support. She also includes a statement from Apple Developer Relations stating that it was a "panic" and the device would have restarted without her knowledge.

CONCLUSION

N.J.A.C. 4A:4-2.10(b)1 states, in pertinent part, that bringing cell phones (including work-issued phones) into the building where the examination is being

conducted shall be considered a prohibited action. *N.J.A.C.* 4A:4-2.10(c) states that anyone participating in a prohibited action shall be disqualified from the examination and maybe rejected from future examinations and subject to punishment as provided by law.

The record establishes that appellant was scheduled to take the subject examination on September 7, 2017. During the examination, her cell phone rang while in her bag, which was on the floor under her desk. The monitor then disqualified her from the examination. There is no dispute over whether the candidate had a cell phone, and another staff member heard it ring.

The Civil Service Commission has a duty to ensure the security of the examination process and to provide sanctions for a breach of security. See N.J.S.A. In order to carry out this statutory mandate, N.J.A.C. 4A:4-2.10 11A:4-1(c). identifies a number of prohibited actions in the conduct or administration of an examination and provides for the disgualification of candidates participating in The Civil Service Commission has a responsibility to provide an such actions. environment that is as free from distractions as is possible. Although the rule clearly prohibits bringing cell phones into the building where the examination is being conducted, candidates were informed that if they brought their cell phone, they had to make sure that it was turned completely off. They were told that, if the phone makes any noise or vibrates during the test, they could be disgualified from the exam. That is exactly the situation that happened to the appellant. Although the appellant is maintaining that she is not responsible for the cellphone turning on, as it was due to a forced restart from water damage, she was responsible for bringing the damaged phone to the test center. Instead, her phone rang during the examination, which was a prohibited action, and she was appropriately disqualified.

A thorough review of the record indicates that the appellant has failed to 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 4TH DAY OF APRIL, 2018

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Deirdre L. Webster Cobb Acting 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: Kristina DiGirolamo Michelle Karngbaye Records Center