

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. 11A:4-1(c)*. In order to carry out this statutory mandate, *N.J.A.C. 4A:4-2.10* identifies a number of prohibited actions in the conduct or administration of an examination and provides for the disqualification of candidates participating in such actions. The Civil Service Commission has a responsibility to provide an 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 disqualified 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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