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**STATE OF NEW JERSEY**

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

In the Matter of Patrick Donnelly,  
Fire Officer 1 (PM1194S),  
Jersey City

CSC Docket No. 2015-2582

Examination Appeal

**ISSUED: MAY 08 2015**

**(RE)**

Patrick Donnelly appeals the administration of the oral portion of the examination for Fire Officer 1 (PM1194S), Jersey City.

The oral portion of the first level fire supervisor examination was administered to the appellant on March 2, 2015. The oral portion of the Fire Officer 1 examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to plan strategies and tactics based upon a building's structure and condition (arriving). For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond to three questions. For the arriving scenario, a five minute preparation period was given and candidates had 10 minutes to respond to two questions.

In a letter postmarked March 14, 2015, the appellant appealed the testing conditions. Specifically, he stated that he heard the monitor state that he had a five minute review period and then had ten minutes to answer the question. He states that he then started answering question 1. The monitor interrupted him and he was so frazzled, he rushed and answered the question in under five minutes. He does not request a remedy.

## CONCLUSION

At the outset, *N.J.A.C. 4A:4-6.4(c)*, states that a 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 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). The appellant filed an appeal of this issue seven days after he took the examination. As such, an appeal of this issue, *i.e.*, test administration, is untimely.

Nevertheless, a review of the merits of this appeal shows that appellant is not entitled to any relief. The Commission makes every effort to insure that test administration is as uniform as possible for all candidates. As such, monitors read from a script and answer any questions at the end of their instructions. The script is the same for all candidates and monitors do not deviate from this script when giving instructions. A review of the recording of the appellant's presentation reveals that the monitor followed appropriate protocol and the script for both presentations. As part of the instructions for the arriving scenario, the monitor stated, "You will now be given your fireground arriving scenario. I will read the scenario and questions to you. You may use your copy of the scenario, questions and diagrams to follow along as I read the scenario and questions. After I read the scenario and questions, you will have five minutes to prepare. After the five minutes you will have ten minutes to respond to all of the questions, not ten minutes for each question. I will give you a two-minute warning for your preparation period and response time."

The monitor handed the appellant his notes and he asked, "Am I allowed to write anything now?" She replied, "You'll have five minutes where you could. You can highlight them in spots if you want." The appellant said, "Oh" and began separating the pages of the diagrams. The monitor then asked if he had any questions about the process and he said no. The monitor instructed him to put his applicant ID number at the top of the note taking paper, diagrams, and scenarios, and, although he had already done so, told him that if he wished, he could remove the staples to the diagrams. Instead of doing so, the appellant began reading the scenario. After 10 seconds, the monitor said to the appellant, "You have to put your ID on each..." The appellant apologized and put his ID number on the first page of the note taking paper. He then went back to reading the diagram and the monitor said, "On all of them." The appellant began flipping the note taking paper, and the monitor said not on every page, and directed him to do so on the first pages of the diagram and scenario. She then read the scenario and questions to the appellant and said, "You may begin your preparation time for the fireground arriving scenario

now. You have five minutes." The appellant turn on his timer and began speaking his response to the fireground arriving scenario. After a minute and a half, the monitor said, "You're supposed to be doing the prep." The appellant said "Oh," and looked startled. The monitor said, "It's okay. Do your preparation." The appellant responded, "Alright, ah, should I continue?" The monitor replied, "No. I would do the preparation. That would help your answer." The appellant agreed and began his preparation. He then answered both questions.

A review of these instructions and the monitor's behavior indicates that the monitor followed protocol. She read the arriving scenario instructions, and told the appellant that he had five minutes to prepare his response. She told him he could begin his preparation, and he started his response instead. The monitor made no errors, but the appellant simply did not follow instructions. The appellant received the same instructions as everyone else and the monitor's instructions were not unclear. The monitor appropriately redirected the appellant to prepare his response in the remaining amount of time and did nothing to cause the appellant to be frazzled and rush his response. The appellant was given ten minutes to answer the questions, the same as all other candidates, and he was free to use all or some of that time to respond to the questions. There is no error evident in the administration of the examination.

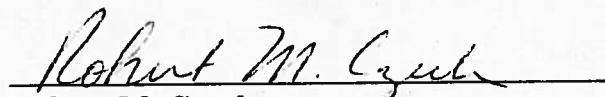
A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met his burden of proof in this matter.

### 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 6<sup>th</sup> DAY OF MAY, 2015



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Chairperson

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