



STATE OF NEW JERSEY

In the Matter of Angel Mercano,
Police Sergeant (PM0882V), Vineland

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

CSC Docket No. 2018-1290

Examination Appeal

ISSUED: July 19, 2018 (JH)

Angel Mercano appeals the administration of the promotional examination for Police Sergeant (PM0882V), Vineland. It is noted that the appellant received a final average of 86.700 and ranked 22nd on the subject eligible list.

By way of background, the subject examination was administered on October 28, 2017, and consisted of two sections: a multiple-choice portion and video-based portion. The appellant was scheduled to be tested at Cumberland County College at 12:00 p.m.

In a timely appeal submitted at the test center, the appellant maintains that during the multiple choice portion of the test, “another instructor enter[ed] the room and opened the door and left it open. I tried several attempts to advise the instructor until I was noticed.” He explains that while the door was open, “several people walked by the door holding conversation distracting me for a period of ten minutes.” He further explains that he “didn’t want to speak out loud to get the instructor[’s] attention because other officers were taking the test.”

In a subsequent submission, the appellant presents that after the door was left open, he “began to hear the conversation in the hallway[.H]owever[,] I continued taking the test until approximately ten minutes of continually being disrupted by other test takers who completed their exam and were speaking loudly in the hallway . . . At that point[,] I raised my hand in [an] attempt to get the attention of my exam monitor, however, she was sitting on the other end of the classroom . . . I raised my hand, again, and stated, ‘Ma’am, I can’t concentrate because the door was

left open, and the other instructors, as well as other test takers, are way too loud.’ She walked over to the door, shut it, and stated, “Sorry.”” He explains that he was seated “in a row directly in front of the door with an approximation of five feet between where I sat, and the door.” However, he “was scared to close the door without the exam monitor’s permission as we were told we could only leave our seat to use the restroom and did not want to be disqualified from the test.” He adds that “after the test, I waited until all other test takers completed their exam, and reported my complaint to the exam monitor. She took me to the supervisor, who then advised me of my right to appeal. I completed the appeal, and was advised that I have to pay, as if my complaint wasn’t important.” He argues that he “had a disadvantage during the second portion of my exam. I am asking if I can take another test, or be given time to complete my test. I shouldn’t have to guess answers at the end of the examination because time was taken from me by losing focus due to the loud conversations in the hallway.”

CONCLUSION

The Division of Administrative Services uses examination centers throughout the State. These centers have been chosen for both their suitability as test sites and their location near transportation routes. Cumberland County College was determined to be a suitable examination center that satisfied these criteria. While testing staff makes every effort to ensure that the environment for testing is comfortable and free of extraneous distractions, circumstances can occur which are beyond the staff’s control. In this regard, the Center Supervisor report notes that the door to the appellant’s assigned testing room was open because the room was hot. However, “college students were noisy leaving the building” and as a result, the room monitor closed the door. The room monitor report indicates that “the door was propped open after the multiple choice part started due to it being very warm. Door was open about 5 minutes and people started walking down the hall talking. As I got up to head to close the door a candidate asked me to close it.” As noted above, there are some circumstances which are beyond the control of the staff. However, examining staff addressed the issue of hallway noise by closing the door. Furthermore, the Commission is not persuaded that this was a significant distraction given that no other appeals were received regarding this issue. Moreover, the appellant has been exposed to the test content and thus, if he were provided with a retest, he would have an unfair advantage over other candidates.

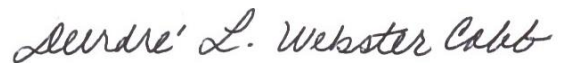
With regard to the appeal processing fee, *N.J.A.C.* 4A:2-1.8 provides that a processing fee shall be charged for all appeals and requests, with certain exceptions, for relief filed with the Civil Service Commission. *See also N.J.S.A.* 11A:4-1.1. As such, the application of the appeal processing fee is not dependent on the relative merit of the matter being appealed.

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 18TH DAY OF JULY, 2018



Deirdré L. Webster Cobb
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