

STATE OF NEW JERSEY

In the Matter of Kevin Barnes, Fire Fighter (M1856W), Newark

CSC Docket No. 2020-889

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: October 29, 2019 (RE)

Kevin Barnes appeals his score for the physical performance portion of the examination for Fire Fighter (M1856W), Newark.

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The record establishes that appellant took the subject portion of the examination on September 16, 2019. The physical performance portion of the exam consisted of three parts, the obstacle course, the ladder climb, and the darkened maze, and each portion had a passing point. The passing time for the darkened maze crawl was 40 seconds, and the appellant completed it in 51.10 seconds, and therefore failed the examination.

At the test center, the appellant stated that as he started the darkened maze crawl he burned his knees on the carpet while quickly trying to navigate. The pain slowed his crawl after that point. He requests a retest.

N.J.A.C. 4A:4-2.15(b)2, Rating of examinations, states that, "examinations consisting of more than one part may be rated independently, and candidates who do not receive a passing score on one part of an examination shall be deemed to have failed the entire examination." Thus, it was necessary to pass all three portions of the physical performance examination in order to pass the exam. If a candidate did not complete any one of the three physical performance exercises in under the allotted times, that candidate failed the examination.

CONCLUSION

The appellant has not presented a persuasive argument for a retest. Each Center Supervisor makes notes of non-routine occurrences in the testing center. In this case, the Center Supervisor notes indicate that the appellant was asked what had happened, and he responded by saying that he burned his knees. candidates had access to the physical performance test, physical fitness manual which provides a description of the darkened maze crawl. This document states, "The candidate enters one end of the maze to the 'Start' position (at the first curtain), stops, and waits for the Examiner to give the command, "Ready – Go." The candidate then proceeds to the far side exit." The appellant also saw a video with instructions. The monitor read the instructions in full, then asked the candidate if he is ready, then gave the command, "Ready Go" and started the clock. The Center Supervisor indicated that there is carpet in the maze that covers the concrete floor to protect the knees, and candidates can see the carpet before they enter. appellant proceeded in the maze too quickly, and therefore injured himself. The appellant was not treated any differently than any other candidate, and other candidates complete the darkened maze crawl without injury. A retest is not warranted under these circumstances.

A thorough review of the record indicates that the determination of the Division of Test Development and Analytics was proper and consistent with Civil Service Commission regulations, and that the 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 23rd DAY OF OCTOBER, 2019

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