

STATE OF NEW JERSEY

In the Matter of Wilfredo Lopez, Fire Fighter (M1856W), Newark

CSC Docket No. 2020-887

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: October 29, 2019 (RE)

Wilfredo Lopez 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 47.00 seconds, and therefore failed the examination.

At the test center, the appellant stated that halfway through the darkened maze crawl his shoe came off of his heel. In a supplement, he states that, rather than continuing with no shoe, he reached back and put his shoe on. 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 his shoe came off and he went back to put it on. All candidates had access to the physical performance test, physical fitness manual which provides a description of the darkened maze crawl. They are also told to be prepared. The appellant's crawl through the maze precipitated his shoe to fall off, and he made the decision to stop to fix his shoe issue rather than continue. All candidates knew of the time constraints, and the appellant was not treated any differently than any other candidate. 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 DAY OF 2019

Deirdré L. Webster Cobb Chairperson Civil Service Commission Inquiries and Correspondence Christopher S. Myers Director

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c: Wilfredo Lopez Michael Johnson