



STATE OF NEW JERSEY

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

In the Matter of Carinne Rivers,
Hearing Officer 4, State Parole Board
(PS9512I), State Parole Board

Administrative Appeal

CSC Docket No. 2020-1307

ISSUED: DECEMBER 6, 2019 (SLK)

Carinne Rivers, a Hearing Officer 3, State Parole Board, requests a waiver for the Management Test Battery (MTB) for the Hearing Officer 4, State Parole Board (PS9512I), State Parole Board promotional examination and to be reimbursed for certain expenses related to that examination.

By way of background, Rivers applied for the following promotional examinations for the subject title (PS6568I), MTB administered in 2018; (PS6877I), MTB administered in, 2012; and (PS888I), MTB administered on 2008). Rivers passed the MTBs that were administered in 2008 and 2012, but did not pass the one administered in 2018. Additionally, four candidates, including Rivers, applied for the subject examination. The subject MTB was administered to the other candidates on October 22, 2019. The list has not yet promulgated.

In her request, Rivers presents that she requested an accommodation for the subject MTB. She indicates that on October 17, 2019, this agency informed her that she would receive her requested accommodation and that she was scheduled to take the MTB on October 24, 2019. She took the examination on that date, however, this agency advised her that although she passed the test that she was given, an error was made, and she was accidentally administered the wrong examination. Rivers states that she was outraged when she found out because it was difficult enough for her to sit through a five-hour examination, only to find out that she was given the wrong test. Rivers believes that she accidently took the Supervisory Test Battery (STB) and she asks if her name will be placed on a list based on that examination.

She presents that she took a vacation day, paid \$5 for parking, and a \$20 appeal fee due to this agency's error. Therefore, Rivers is requesting that she be reimbursed. Additionally, she complains that she was diligent in requesting an accommodation and scheduling the subject MTB. Consequently, Rivers does not understand how this agency erred by giving her the wrong test. She asserts that due to her disability, it was very challenging for her to prepare for the test and to be seated for such a long time to take the test filled her with anxiety. Rivers is adamant that she should not have to take this test again. However, it is noted that after Rivers filed her appeal, she took the MTB on November 19, 2019 and passed.

CONCLUSION

N.J.A.C. 4A:3-1.2(b) provides, in pertinent part, that a career service job title in the competitive is subject to the competitive examination procedures of *N.J.A.C.* 4A:4-2. *N.J.A.C.* 4A:4-2.2(a) provides, in pertinent part, that this agency shall administer examinations for appointment in the competitive division of the career service, which may include performance tests. *N.J.A.C.* 4A:4-2.14 provides, in pertinent part, that this agency shall make reasonable accommodations for an examination upon request, that an examination may be waived when examination is not practical under certain circumstances, but if a reasonable accommodation can be made, the waiver request will be denied, and arrangements will be made for such an accommodation. *N.J.A.C.* 4A:2-1.8 provides, in pertinent part, that a \$20 processing fee shall be charged for all appeals except for certain specified appeals and the fee is for processing purposes only and shall not be refunded.

In this matter, while it is unfortunate that Rivers was administered the wrong test, Civil Service regulations require that career service titles be subject to competitive testing and it would be unfair to other candidates who took and passed the MTB to allow Rivers to compete for a position in the subject title without currently passing the MTB. Further, there has been no evidence presented that her disability could be accommodated which would prevent her from having the ability to take the MTB. On the contrary, this agency has been able to grant her accommodations. Therefore, there are no grounds to waive her need to take the MTB for the subject examination. Regardless, as she retook and passed the MTB, her request is moot.

Concerning her requests to be reimbursed for her appeal and other expenses related to her being administered the wrong test, the appeal fee is a processing fee and cannot be reimbursed. See *N.J.A.C.* 4A:2-1.8. Similarly, there are no Civil Service regulations that allow for this agency to reimburse her for her other expenses. Finally, Rivers can only be placed on a list for examinations where she applied so her examination score for the test she took cannot be used for another examination unless she applied for an examination that used that test. However, it

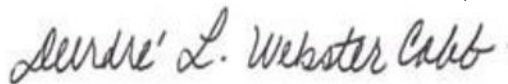
is noted that she is already serving in a supervisory title, Hearing Officer 3, State Parole Board, which uses the STB in the examination process.

ORDER

Therefore, it is ordered that this request 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 DECEMBER, 2019



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