

## STATE OF NEW JERSEY

In the Matter of Winston Trumpet II, Fire Fighter (M1837W), Harrison

CSC Docket No. 2020-891

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**Examination Appeal** 

**ISSUED:** January 16, 2020 (RE)

Winston Trumpet II appeals his score for the physical performance portion of the examination for Fire Fighter (M1837W), Harrison.

The record establishes that appellant took the subject portion of the examination on September 11, 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 41.97 seconds, and therefore failed the examination.

At the test center, the appellant appealed that he got a late start as he wasn't sure that the monitor was speaking to him when he said go. In a supplement to his appeal, the appellant states that he did not hear the initial start command from the monitor. He states that he wasted one or two seconds after the start time because of this.

*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 hit his knee on something and got hung up. The Center Supervisor also noted that the candidate was hitting the black plastic rather than following the wood at the base of the maze. The appellant did not tell the Center Supervisor that he did not hear the monitor say go. All 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. appellant's argument that he failed because the instructions or the monitor's behavior was faulty is unpersuasive. The appellant was treated the same as every other candidate. He will not be provided with a retest.

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 15<sup>th</sup> DAY OF JANUARY, 2020

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Chairperson

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c: Winston Trumpet II Michael Johnson