

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. The 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 15th DAY OF JANUARY, 2020



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