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In the Matter of Darian Santana,
Fire Fighter (M1809W), Camden

CSC Docket No. 2020-1613

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

Examination Appeal

ISSUED: January 16, 2020 (RE)

Darian Santana appeals his score for the physical performance portion of the examination for Fire Fighter (M1809W), Camden.

The record establishes that appelland took the subject portion of the examination on December 10, 2019. The physical performance portion of the exam consisted of three parts, the obstacle course, the ladder climb, and the darkened maze crawl, and each portion had a passing point. The passing time for the obstacle course was five minutes, and the appelland completed it in five minutes, 15 seconds, and therefore failed the examination.

On appeal, the appelland states that he completed the first obstacle course, and upon crossing the finish line, he was told by one of the two administrators keeping track of time, that he obtained a time of four minutes and 50 seconds. Immediately after this, he states that he became ill and collapsed onto the floor. As he became aware of his surroundings within the passing few seconds, he heard “commentary from spectators that was unclear beyond yells stating, ‘the box!’.” He realized the comments made by “spectators” pertained to the obstacle course and suggested the need to address an issue with the debris box. At this point, he states he was fully aware of the intention of the comments and his situation. He knew the debris box had to remain on the pedestal, but upon completion of the obstacle course, he was not told or was unaware that it fell. He walked towards the box due to regulations restricting running and returned the box on the pedestal. He states that he was not aware that the timer had started again, or that he needed to address the issue of the fallen debris box. When he replaced the debris box and

crossed the finish line again, he was told by that his completion time was 5 minutes and 15 seconds. He felt ill again, and needed assistance, but instead was met with taunts such as, “you’re being extra,” and “if you wanted to lay down, you can go lay on the grass outside.” He states that he finally sat down and was assisted by an emergency team, and he provides medical documentation of a hospital visit. He requests a retest and to be allowed to take the ladder climb, and the darkened maze crawl.

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 debris box fell from the stand and the appellant had to put it back. He noted that the candidate was visibly distressed, went on oxygen, and an ambulance was called. He did not file an appeal at the test center. As a result of this appeal, the Center Supervisor was contacted regarding the events at the center. The Center Supervisor states that he was the “spectator” to which the appellant is referring, as he was the only one in civilian clothes.

The Center Supervisor watched the appellant complete the obstacle course. He states that the appellant became disoriented and fell two times during the dummy drag event, and three time during the debris box event. Two timers are kept for each candidate. The appellant put the debris box on the stand, and instead of walking to the finish line, he dove for it, and the first watch showed that he crossed the finish line in four minutes, 50 seconds. However, the debris box fell from the stand, and the Center Supervisor instructed the appellant to pick it up and replace it on the stand. The appellant put the box on the stand and fell again. He completed the course in five minutes, 15 seconds according to the backup watch which was never stopped. That is the official time, as the obstacle course was not complete if the debris box was not on the stand. The Center Supervisor had the authority to stop the appellant after he had fell, but chose to let him continue as he was close to finishing with a passing score.

After the obstacle course, the appellant collapsed and was carried to a chair. He was offered water and oxygen, and a trip to the hospital. He took water, but

declined oxygen and going to the hospital. He remained in distress, and wanted to lay on the ground, which would inhibit breathing and intake of water. Firefighters on scene were aware that laying on the floor does not allow the lungs to fill correctly. They instructed him to sit on the chair with his hands above his head. The appellant then left the chair and lay on the ground on the finish line. They tried returning him to the chair, yet each time they turned around, he would lay on the finish line. This began to inhibit the testing process as no other candidate could proceed while the appellant lay on the finish line. The appellant finally accepted oxygen but refused to go to the hospital. With another offer, the appellant agreed to go to the hospital. The Center Supervisor was not aware of anyone calling the appellant an "extra," however, one exasperated Fire Fighter told him to lay in the grass, and was corrected not to say that. This, however, occurred after the appellant's score and has no bearing on the appellant's performance. The appellant's score for the obstacle course is five minutes, 15 seconds, and as such, he failed the examination.

It is noted that candidates are required to take all three portions of the PPT in the same day, and the appellant could not complete the first portion, the obstacle course. Most candidates who fail a portion are allowed to take the other portions, unless there is a medical issue. The appellant was in no condition after the obstacle course to climb a tall ladder or navigate a darkened maze, and was appropriately not permitted to take the other portions of the PPT. The appellant was not treated any differently than any other candidate. Rather, his performance on the obstacle course was a result of his medical condition, and was not due to any behavior by the monitors. The appellant was given instructions and assistance. The Center Supervisor allowed him to continue as he was under the five-minute mark, and informed him the debris box had fallen and he had to replace it. Firefighters carried the appellant to a chair. They attempted to assist him with his condition, but the appellant did not cooperate and lay on the finish line, which inhibited his oxygen and water intake. The appellant accepted medical assistance only after it was repeatedly offered.

Each candidate is required to complete and submit a Medical Clearance Form which is signed by their physician and presented on the day of the physical examination in order to be admitted for testing. This form indicated that the physician certified that the appellant could safely perform the physical performance test without injury. The Disclaimer of Liability on the bottom of this form, which candidates were required to sign, indicated that, "The State of New Jersey has no knowledge of your physical condition or abilities and must therefore rely upon your representation and the representation of your physician that you can perform this test without injury. Your signature below indicates that you understand that you are assuming all risk connected with participation in this test, that you have been informed that the State of New Jersey assumes no risk or responsibility for any injury incurred during or as a result of your participation in this test, *and that no*

significant changes have occurred in your medical condition since you were examined by the physician whose signature appears above.” (Emphasis added) If a candidate is ill on the day of the examination it is his or her obligation to inform the test administration personnel, and request a make-up examination. Instead, the appellant presented the Medical Clearance Form, and did not state that he had a condition preventing him from taking the PPT. The appellant did not follow the make-up procedure or provide notice to the appointing authority that he was not interested at this time, but elected to take the examination and submitted a Medical Clearance Form. Afterwards, he was dissatisfied with the examination results. The appellant started the obstacle course with medical clearance but failed it, and there are no provisions in the rules which allow for retaking an examination. Under these circumstances a retest is not warranted.

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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