



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Donnell McCormick,
Fire Fighter (M1840W), Irvington

CSC Docket No. 2020-1597

Examination Appeal

ISSUED: January 16, 2020 (RE)

Donnell McCormick appeals his score for the physical performance portion of the examination for Fire Fighter (M1840W), Irvington.

The record establishes that appellant took the subject portion of the examination on December 5, 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, the appellant completed the maze in 1 minute, 4.59 seconds, and therefore, the appellant failed the examination.

At the test center, the appellant stated that he broke through the wall of the darkened maze crawl. He states that he was instructed to stop and go back, which he did, but then he sat and waited for further instructions. He states that it was noisy and he wasn't sure if he was informed to keep going. He states that later, he was informed he was not instructed to keep going, but he does not state who gave him this information. He states that the maze was put back together, but he was not told anything else. After a few moments, he decided to complete the maze, but failed.

CONCLUSION

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.

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 came out of the maze and was told it was not the exit and to go back in and continue. These are the routine instructions given when any candidate inappropriately exits the maze. Also, it does not make sense that the candidate would be told to go back into the maze without being told to continue to the exit, or that he would wait inside instead of continuing to the exit. The appellant’s argument that he failed because the instructions given to him were faulty is unpersuasive. Rather, the appellant did not follow instructions. The appellant 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



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Donnell McCormick
Michael Johnson