

STATE OF NEW JERSEY

In the Matter of Ruby Rodriquez, Quality Assurance Specialist Health Services (PS4826K), Department of	::	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
Human Services, and Quality Assurance Specialist Health Services (S0141W), Statewide	::	Examination Appeals
CSC Docket Nos. 2020-1956 2020-1955	:	

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ISSUED: March 12, 2020 (RE)

Ruby Rodriquez appeals the administration of the written examinations for Quality Assurance Specialist Health Services (PS4826K), Department of Human Services, and Quality Assurance Specialist Health Services (S0141W), Statewide.

These examinations were administered to the appellant on December 19, 2019. In an appeal postmarked January 24, 2020, the appellant appealed the testing conditions. Specifically, she stated that she did not perform well on the tests due to emergent family medical issues on or around the test date and she provided medical documentation. The appellant states that the location was not "ideal," the desk was too small, the lighting was low, and the clock was not visible. She states that she was under added pressure as she is a provisional in the subject title, and other candidates who took (S0141W) did not have to pass the examination to keep their positions. For both examinations, the appellant correctly answered 41 out of 70 questions, and the passing points were 46. She requested to retake the examinations. The appellant was informed that her appeal was untimely. She was also told that the eligibility of other candidates for other examinations has no bearing on this issue.

The appellant replied that her appeal is timely pursuant to her notification card which indicated that she had 20 days to appeal the decision on the notice. She argues that she chose to take the test as her test notification did not have illness of a family member as a reason for a make-up examination, and since she has a provisional appointment in the subject title. She states that she did not know she could file an appeal at the center. The appellant states that she does not know the protocol for "enforcing the option" of the use of an E&E exam (Education and Experience).

CONCLUSION

N.J.A.C. 4A:4-6.4(c) states that an examination candidate wishing to challenge the manner in which the examination was administered must file an appeal in writing at the examination site on the day of the examination.

Since this appeal of test administration issues was not submitted on the test date, it is untimely. Specifically, the appellant took the examination on December 19, 2019, and filed an appeal over a month later, on January 24, 2020. The Civil Service Commission (Commission) makes every effort to ensure that test administration is as uniform as possible for all candidates. As such, in the Check-In Area, candidates were given an Examination Review and Appeal Procedures for Multiple-Choice Examinations sheet which stated, "Any objection to the manner in which your examination was administered must be made in writing. Candidates should complete the Test Administration Comment/Appeal Form provided at the test center to file their objection, and have 5 business days to submit their \$20 appeal fee where applicable." In In the Matter of Kimberlee L. Abate, et al., Docket No. A-4760-01T3 (App. Div. August 18, 2003), the court noted that "the obvious intent of this 'same-day' appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered. The information regarding filing an appeal of test conditions at a test center on the day of the examination also is provided on the Commission's website. As such, the appellant's argument that she was not informed of the appeal process is unpersuasive, and this appeal is untimely. The notification card which indicates that a candidate has 20 days to appeal the decision on the notice, not to appeal test administration.

Regarding test mode, according to *N.J.A.C.* 4A:4-2.2, the Civil Service Commission has the authority to determine the most appropriate selection instrument to use in assessing candidates in a given competitive title. For the subject announcements, a decision was made to select individuals for appointment by using the administered multiple-choice examinations.

A thorough review of the record indicates that the administration of the subject examinations was proper and consistent with Civil Service Commission regulations, and that appellant has not met her burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals be dismissed as untimely.

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 12th DAY OF MARCH, 2020

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Deirdré L. Webster Cobb Chairperson Civil Service Commission

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