

The appellant maintains that he did not know he could not have a cell phone in the test center. Nonetheless, the Civil Service Commission has a duty to ensure the security of the examination process and to provide sanctions for a breach of security. *See N.J.S.A. 11A:4-1(c)*. In order to carry out this statutory mandate, *N.J.A.C. 4A:4-2.10* identifies a number of prohibited actions in the conduct or administration of an examination and provides for the disqualification of candidates participating in such actions. Candidates were informed not to take a cell phone into the examination center on the notices sent regarding the scheduled exam time, and on page 2 of the Orientation Guide, which indicated that no cell phones or electronic devices are permitted in the center, and that the Civil Service Commission is not responsible for personal items. As such, candidates are informed of this in writing, so they may leave their electronic devices at home or in the car. Monitors cannot be responsible for maintaining custody of personal property when their duties are to observe candidates and administer the examination. Signs were on the front door indicating that cell phones were not allowed, and on the signs in front of the elevator on the floor. While entering the lobby of the building, staff called out verbal reminders to candidates that no cell phones were allowed, and they should have their notices and a photo identification with them. Once seated, the monitor explains that no cell phones are allowed. Thus, it was made clear both in writing and verbally that candidates were not to have cell phones in their possession while in the examination center.

Anyone found participating in a prohibited action could be disqualified from the exam, rejected for future exams and subject to punishment as provided by law, and possession of a cell phone in the test center is a prohibited action, whether or not the phone is on. When considering the overriding interests of examination security, it is imperative to disqualify candidates who could potentially breach examination security. *See In the Matter of Michele Gordon* (MSB, decided August 9, 2006). Other candidates were disqualified for possession of cell phones in the center when they were not aware or had inadvertently brought their phones in. *See In the Matter of Joseph Battista, et al., Fire Fighter (M9999H)* (MSB, decided March 28, 2007), and *In the Matter of Michael McKenzie, Fire Captain (PM5066M), New Brunswick* (MSB, decided September 21, 2011).

The Center Supervisor and Monitors take notes of occurrences during an examination administration that are not routine. In the matter at hand, the Center Supervisor indicates that she took the appellant's cell phone from the monitor, asked the appellant to collect his personal belongings and follow her, and told him in the hall that he was disqualified for having a cell phone. When she told him he could appeal, the appellant stated that he forgot he had his phone until the monitor mentioned it in her instructions, and that she had embarrassed him in front of his coworkers. He argued that he was trying to do the right thing by giving it to the monitor. He wanted to speak to someone else, but the Center Supervisor indicated that she was in charge. He insisted on speaking to someone else, and the Center

Supervisor called the supervisor of the testing unit. While she was on the phone, the appellant followed her after she twice asked him not to do so, and security was called, and he was escorted from the building. It is clear from the information provided by the Center Supervisor that the appellant left out a significant amount of information on his appeal regarding his behavior at the test center. Although the “no cell phone rule” may appear draconian, its importance in ensuring fair and equitable testing for all potential candidates cannot be overemphasized. Test Center personnel are charged with prohibiting the use of unauthorized aids, information or assistance by candidates and preventing examination security material from leaving the exam center. Due to the multiple capabilities of phones, the standard to which candidates are held is possession of a cell phone, not the use of one. The appellant brought a cell phone into the examination center and was properly disqualified for possession of a cell phone.

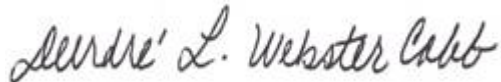
A thorough review of the record indicates that the appellant has failed to support his burden of proof in this matter.

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 1ST DAY OF DECEMBER 2021



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