



STATE OF NEW JERSEY

In the Matter of Rusul Rasheed,  
Senior Engineer, Transportation  
(PS7383T), Department of  
Transportation

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FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-370

Examination Appeal

ISSUED: October 12, 2022 (SLK)

Rusul Rasheed appeals the scoring of the Senior Engineer, Transportation (PS7383T), Department of Transportation promotional examination.

By way of background, the subject examination’s closing date was September 21, 2021. A total of 181 employees applied for the subject examination and 180 were admitted. The test was administered on June 4, 2022, and 112 were found eligible. The appellant was determined ineligible as he did not pass the examination. Certification PS220953 was issued containing the names of 102 eligibles, certification PS220954 was issued containing the names of 42 eligibles, and certification PS220955 was issued containing the names of 52 eligibles, The dispositions of these certifications are due November 15, 2022. The list expires on August 10, 2025.

On appeal, the appellant asserts that it was devastating to him that he did not pass the written test for the subject examination as he had done extensive preparation. He states that he is performing duties that are “equivalent” to the subject title. Therefore, he requests that his examination be reviewed and re-assessed.

Additionally, the appellant believes that one of the questions was worded incorrectly. He states that this question asked for the cross-slope of the Americans with Disabilities Act (ADA) ramp. The appellant submits the 2015 Department of Transportation Roadway Design Manual, section 5.7.3, sidewalk design, which

indicates that under grades and cross-slopes that the maximum cross slope is two percent and the maximum grade is 12:1 (8.33%). He indicates that the question asked for the slope, but two percent was not an answer choice. Therefore, the appellant provides he chose the answer closest to two percent and moved on. He wonders if this one question caused him to fail.<sup>1</sup>

## CONCLUSION

*N.J.A.C.* 4A:4-6.4(a)1 provides that within five business days after the date of review, in the case of candidates who have reviewed the keyed test booklet, or five business days from the date the multiple-choice examination has been held, in the case of all other candidates, candidates may file an appeal in writing against the keyed response for a given item, or with respect to the job-relatedness or appropriateness of test content. The appeal shall specify the question(s) being challenged.

*N.J.A.C.* 4A:4-6.4(a)2 provides that candidates for multiple choice examinations may review their examination papers and the scoring key 20 days after the notice date of the examination results. However, such candidates may file appeals during this 20-day period only with respect to the scoring of their test papers.

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

Initially, it is noted that the appellant's appeal against the keyed response for a specific test item is untimely as he did not appeal within five days of the June 4, 2022, examination administration date.

Regardless, as to the merits, a review indicates that the appellant mistakenly thought that the question referenced the cross-slope of a sidewalk, while the question actually asked the maximum slope percentage of the curb ramp. The question was referenced from the DOT Construction Details and is also found in the DOT Roadway Design Manual 5.7.4 Public Sidewalk Curb Ramp. The correct answer was (c) 8.33%. It is also noted that 103 of the 149 candidates who took the examination answered the question correctly. Therefore, the record indicates that the test item that the appellant references was properly worded, and the proper answer was provided. Moreover, a review of the remainder of the examination indicates no scoring errors on any other item.

Concerning the appellant's statement that he is performing duties "equivalent" to the subject title, he may ask for a classification review of his position using the procedures under *N.J.A.C.* 4A:3-3.9. However, it is noted that even if the appellant

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<sup>1</sup> The minimum of correct items to achieve a passing score on the examination was 50. The appellant answered 46 items correctly.

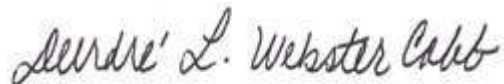
is determined to be primarily performing the duties of the subject title, he cannot currently be permanently appointed to this title as he did not pass the subject examination.

**ORDER**

Therefore, it is ordered that the 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 12<sup>TH</sup> DAY OF OCTOBER, 2022



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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Rusul Rasheed  
Division of Test Development, Analytics and Administration  
Records Center