



STATE OF NEW JERSEY

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

In the Matter of Hope Polite,
Supervising Family Service Specialist
1 (PS8311K), Department of Children
and Families

Examination Appeal

CSC Docket No. 2023-850

ISSUED: February 22, 2023 (RE)

Hope Polite appeals the administration of the examination for Supervising Family Service Specialist 1 (PS8311K), Department of Children and Families.

The subject examination was administered to the appellant on October 15, 2022. There were multiple titles tested with this examination booklet, and candidates were required to answer different questions. Candidates for the subject examination were required to answer questions 11 through 95. The appellant answered questions 1 through 3, 5 through 8, and 11 through 95. The list for this examination has not yet promulgated.

In an appeal filed October 18, 2022, the appellant stated that she incorrectly placed answers on her bubbled answer sheet, and the monitor told her to place them correctly. She became flustered, but transferred her responses. She states that this interruption by the monitor should not have happened, and if she were left alone, she would have properly answered and transferred her responses. She would like her responses to reflect what is marked in the test booklet, and the opportunity to respond again to questions 86 through 95. As to her appeal, the appellant states that on October 15, 2022, she immediately reached out to the Civil Service Commission (Commission) and sent an email before 4:15 p.m. She also contacted the Commission the next business day and was instructed to send something in writing which she did the same day. She argues that it was unfair that her opportunity to be scored accurately was taken away due to the monitor distracting and disturbing her during the test.

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 may file an appeal in writing at the examination site on the day of the examination. Since the appeal of test administration issues was not submitted on the date of test administration at the test center, it is untimely. The appellant took the test on October 15, 2022, and did not file an appeal of test conditions until October 18, 2022. 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. Candidates cannot file an appeal after they leave the test center and/or it is closed, and the appellant did not file an appeal before she left the center. Attempting to do so by email is not the same thing. As this appeal of test administration issues was not submitted on the date of test administration at the test center, it is untimely.

Even assuming, *arguendo*, that her appeal was timely, it is noted that there is no provision in the rules for a retest, which is not the same as a make-up examination. See *N.J.A.C.* 4A:4-2.9. Once the examination is taken, a score is based on the given responses. The appellant has been exposed to the test questions, and at this point, the administration of the examination is complete, and the appellant has been provided an opportunity for review. In fairness to other candidates, the appellant cannot be given any portion of the examination again.

Regardless, while the appellant states that the monitor’s interruption caused her to incorrectly place answers on her bubbled answer sheet, responses to each question from 11 through 95 were recorded. Scoring answers written in an examination test booklet is not accepted. Moreover, it is noted that a review of the appellant’s test booklet shows that she did not provide answers in the test booklet for each question, including almost an entire subtest.

A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that the appellant has not met her 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 22ND DAY OF FEBRUARY, 2023

Allison Chris Myers

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