



STATE OF NEW JERSEY

In the Matter of C.D., Police Sergeant
(PM4704F), Bayonne

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

CSC Docket No. 2025-1753

Examination Appeal

ISSUED: April 9, 2025 (SLK)

C.D. appeals the test administration of the Police Sergeant (PM4704F), Bayonne promotional examination.

By way of background, a total of 78 employees applied for the subject examination which had an October 21, 2024, examination closing date. On the appellant's application, he indicated that he required an American with Disability Act (ADA) accommodation. All 78 applicants were admitted to the test. A total of 61 applicants, including C.D., sat for the test, which was administered on March 1, 2025. As part of C.D.'s accommodation, he was provided a reader during the test administration.

After the test was administered, at the test site, C.D. submitted the following test administration comment/appeal form:

During the video under "directions" about the internal affairs part, there were instructions. These instructions basically provided answers to the questions. For example, a person must submit a sworn statement for an internal affairs complaint and cannot remain anonymous. During my studies, I learned that anyone could submit an internal affairs complaint and remain anonymous. I felt that because these comments were under "directions," they had to be correct because they were

provided by Civil Service. I asked for help, but no one was able to clarify for me if they were actually directions.¹

Subsequently, C.D. submitted a supplemental appeal to this agency. He states that for the subject test, he was granted extra time and a reader due to his learning disability. However, he provides that during the video portion of the test, the “directions” portion was not read to him. Further, he indicates that when he read the directions, he was confused. C.D. notes that he attempted to get clarification from his assigned reader and the assigned reader’s supervisor. However, they advised that they could not clarify the directions.

C.D. explains that he wanted to understand why there were statements written under the video as “directions.” He emphasizes that these statements were not read to him. He asserts that he was confused and believed that these statements were facts from Civil Service even though he knew that some of them were incorrect. For example, he presents statements such as “You need to submit a sworn statement to fill out an internal affairs complaint” and “complaints must not be anonymous.” C.D. indicates that he knew these statements were incorrect, but he thought he had to find the answers to the questions within the statements like other portions of the test. Therefore, he states that he believed that Civil Service was telling him that these statements were correct since they were under the word “directions.” Consequently, C.D. provides that he answered these statements as correct. He presents that he now knows that Civil Service was not providing answers in this part of the test. C.D. believes that these statements were there as if they were notes from the video, and they were supposed to be read or explained to him. He questions whether these statements were there because they were part of his accommodation. C.D. reiterates that he still does not know the purpose of these statements since they were under “directions,” and he thought he needed to follow these statements as he answered the questions.

C.D. notes that he studied for the subject test for over eight months. He claims that the video portion of the test was not difficult, but the directions confused him, and he was unable to get clarification. At the end of the test, C.D. indicates that he was advised that he could submit a comment at the test site, which he did. He highlights that he wrote on the form that he would have marked two questions differently. Therefore, he argues that he would have gotten these two questions correct.² C.D. questions why no one was allowed to clarify the directions especially since he was provided a reader. He requests

¹ For the ease of reading, grammar and spelling mistakes were corrected and abbreviations were spelled out.

² A review of the appeal/comment form that C.D. submitted at the test center does not identify the two questions that he claims he would have gotten correct.

that either the two questions be corrected or that he be allowed to take a new video portion of the test.

Additionally, C.D. requests that the two supervisors and his reader be asked about the questions that he presented to them. He indicates that since the true and false statements were under the “directions” part of the test, he believed that they were directions that were supposed to be followed. Further, after being advised by this agency that the directions were read out loud during the video, C.D. states that he disagrees with this statement. He emphasizes that his reader will verify that he followed the statements as directions because they were under the directions part of the test.

CONCLUSION

N.J.A.C. 4A:4-6.3 provides, in pertinent part, that in examination items, scoring, and administration appeals, the appeal shall include the specific objection being appealed and that the appellant shall have the burden of proof.

In response, in the video portion of the test, a reader in the video read out loud the directions that were related to certain test questions. Although C.D. states that he disagrees with this statement, the Division of Test Development, Analytics and Administration confirmed this. Additionally, these questions were repeated in written form in the test booklet. Therefore, as the directions were read to him in the video, he was provided an oral delivery of these directions. Further, concerning C.D.’s confusion with these directions, neither the test monitor nor the reader was permitted to clarify or otherwise interpret directions to ensure that the directions were delivered to all candidates in a uniform manner. Moreover, once C.D. had been exposed to the video, he cannot retake it as that would be unfair to the other candidates. Additionally, while C.D. claims that he wrote the correct answers to two questions on the form he submitted after the test, a review of the comments/appeal form does not indicate that C.D. provided such answers. Regardless, even if C.D. had indicated that correct answers after he completed the test, a candidate cannot amend their test paper after completing the test as this would be unfair to the other candidates who successfully answered questions during the test administration.

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 9TH DAY OF APRIL, 2025

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