

B-17



STATE OF NEW JERSEY

In the Matter of Dhrupti Thaker and
Nikhil Thaker, Assistant
Administrative Supervisor, Income
Maintenance (PC1582S), Hudson
County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2015-3362 and 2015
3363

Administrative Appeals

ISSUED: **AUG 21 2015** (JET)

Dhrupti Thaker and Nikhil Thaker appeal their scores on the promotional examination for Assistant Administrative Supervisor, Income Maintenance (PC1582S), Hudson County. It is noted that the appellants did not achieve passing scores on the subject examination. Since these matters concern similar issues, they have been consolidated.

By way of background, the subject promotional examination had a closing date of December 22, 2014. The examination was conducted as a written multiple-choice test and candidates were required to answer 49 questions correctly to achieve a passing score of 70. Dhrupti Thaker's raw score was 46 and Nikhil Thaker's raw score was 44. The examination resulted in an employment roster of 12 eligibles with an expiration date of June 24, 2018.

On appeal, the appellants argue that they are Indo-Americans and they struggled with some of the examination questions since they were written in English. Specifically, the appellants contend that they would have achieved a higher test score had the examination been developed by individuals familiar with the structure of the Indian language. In addition, the appellants assert that the examination should be available in the Indian language. Moreover, the appellants explain that the test questions provide an unfair advantage to individuals who comprehend English.

CONCLUSION

N.J.A.C. 4A:4-2.2 provides the Civil Service Commission the authority to determine the most appropriate selection instrument to use in assessing candidates in a given competitive title. In this regard, the Division of Agency Services uses a number of criteria to determine test modes and it concluded that a written, multiple-choice examination was the best test mode for the subject examination.

With respect to the appellants' assertions that the test discriminates against competent individuals whose English language is not their primary language, all Civil Service titles list as a requirement the ability to read, write, speak, understand, and communicate in English sufficiently to perform the duties of the position. As such, candidates are tested in the basic skills and the ability to read English is a requirement of the position. *See In the Matter of Fayez Fanik*, (Merit System Board, decided April 10, 2002). Although English is not the appellants' first language, Civil Service examinations are written at a level of English consistent with the title under test. Additionally, the examination was not announced as a bilingual examination. In this regard, even for bilingual positions, candidates must first demonstrate their competency in the job related knowledge, skills, and abilities (KSAs) by means of an examination in the English language, prior to taking the bilingual component of the examination. As such, there was no requirement to provide the test in the Indian language. Moreover, all 12 eligible candidates were required to take the same examination. Accordingly, the appellants have failed to establish that the examination was flawed or that this agency utilized an improper test mode.

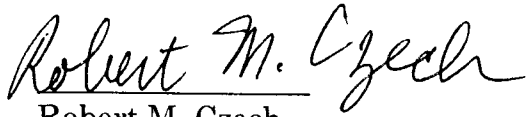
A thorough review of all material presented indicates that the determination of the Division of Agency Services is amply supported by the record and that the appellants did not support their burden of proof in this matter.

ORDER

Therefore, it is ordered that this request 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 19th DAY OF AUGUST, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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