

biodata, personality, and integrity and a review of the appellant's bubbled answer sheet revealed that he did not respond to 34 of these questions. The appellant was informed that the bubbled answer sheets were scored by computer and, in the case of an anomaly, such as two responses for one question, the scoring sheet was flagged and manually checked by a reviewer. The appellant's bubbled answer sheet contained very blackened bubbles and he did not provide more than one response to each answer. There was no evidence that the appellant's responses were incorrectly scored. A link to the vendor's website was provided and it was explained that the Civil Service Commission (Commission) contracted with I/O Solutions to perform a job analysis, and to perform a validation study to confirm that the examination was valid in New Jersey. The format of this examination was approved by the U.S. Department of Justice, and the appellant provided no evidence other than his opinion that the non-cognitive portion of the examination was not appropriate or job-related. He chose not to respond to 34 of 120 questions in this section but argued that his score was incorrectly calculated or that the questions were not valid.

The appellant replied that he was unsure how the questions in the non-cognitive section were scored, and it is his belief that the Commission's standard is one correct answer for each question. The appellant stated that he spoke with others who took the test and found a direct correlation between individuals who answer more questions than he did and higher scores. He states that he knows that all the same questions were not answered with the same responses so he believes that points were awarded for any answers in this section, proving there was no single correct response to a question. He argues that since candidates were not informed that any response would have resulted in an award of credit, which would have been helpful, then he should have been awarded credit for not responding as well, and his score should be adjusted accordingly. He also requests a full review of his test with proof and explanations of incorrect answers on the cognitive section.

CONCLUSION

The appellant took the subject examination in October 2015. After filing an appeal, the appellant was told by DARA staff that he did not answer 34 questions, and there was no indication that he was scored incorrectly. He responded that he should receive credit for not answering these questions, since he believes that more than one option may have been awarded points. This is simply nonsensical and without merit.

First, the Commission does not have a "standard" of one correct answer for each question. Many types of examinations have "weighted" options, which is a valid method of scoring. In any event, no candidate has ever received credit for *not* answering a question, which defeats the purpose of an examination.

Next, this examination was proprietary. While it was administered by Commission staff, it was scored by the vendor. The method of scoring and the correct responses remain the property of the vendor, and the Commission does not have this information. Accordingly, no review of the examination was offered to any candidate, and one will not be afforded to the appellant. The vendor has invested substantial time, energy and money into development of this test. Revealing the keyed responses, and any disclosure of questions or the weight value of the options, would compromise the security of the test and substantially impair the integrity of future examinations. Further, the appellant would have an unfair advantage over other candidates in future examinations if he is given an opportunity to review the questions and answers.

Also, according to the Uniform Guidelines on Employee Selection, 41 CFR 60-3, and professional testing standards, a test must be validated to ensure the test items relate to potential job performance. An employment test is valid if it accurately predicts success in the critical job aspects being measured.¹ The test created by I/O Solutions was designed to predict actual job performance using candidate responses to both cognitive and behavioral orientation components. In view of the job analysis and validation study, there is no basis to conclude that the test questions were not job-related or were otherwise improper, nor to conclude that the test was invalid. The appellant has presented no evidence that contradicts the validity and job-relatedness of this examination.

At this juncture, it should be noted that the appellant has admitted in his appeal that he compared his score with those of other candidates. In this regard, the 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. The policy of not discussing test content was important enough that all candidates were required to sign a security pledge that they would not discuss the test content with anyone who had taken the test or with anyone who was a potential makeup candidate. This signature also indicated that the candidate was aware that if he or she violated this pledge, he or she would be subject to punishment. This document does not indicate that it is acceptable to discuss test content in the future, once examination reviews are completed. If the appellant discussed test content with others, he has violated this pledge and will be disqualified. The appellant admits to discussing test scores with others, but his appeal stops just short of an admission that he discussed test content with others. so on this record, there is not sufficient evidence to support a disqualification at this time. However, the appellant should be cognizant of his continuing obligation to not violate his pledge. If it is found in the future that the

¹ American Education Research Association, American Psychological Association and National Council on Measurement in Education (1999), *Standards for Education and Psychological Testing*.

appellant has discussed test content for this or any other fire examination, he will be disqualified, and he may face further repercussions from the vendor.

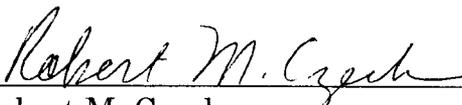
A thorough review of the record indicates that the determination of the Division of Test Development and Analytics was proper and consistent with Civil Service Commission regulations, and that the appellant has not met his burden of proof in this matter.

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
THE 10th DAY OF NOVEMBER, 2016



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