



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Alisa Simmons,
Supervising Health Care Evaluator
(PS3423H), Department of Health

CSC Docket No. 2017-4017

Examination Appeal

ISSUED: **AUG 18 2017** (SLK)

Alisa Simmons appeals the administration and test content of the promotional examination for Supervising Health Care Evaluator (PS3423H), Department of Health.

By way of background, the subject examination was conducted on June 13, 2017 utilizing the Supervisory Test Battery (STB). A total of 20 individuals applied for the subject examination that resulted in a list of six eligibles with an expiration date of July 12, 2019. The appellant took the STB along with multiple other candidates at the Station Plaza Test Center. In order to pass the examination, a candidate needed to achieve a minimum raw score of 51.2. The appellant did not receive a passing score, as her raw score was 51.0.

On appeal, the appellant states that she arrived 45 minutes before being taken to the testing room and the holding area was standing room only, crowded and overheated with about 50-60 other individuals waiting to be tested. She presents that the outside temperature was 98 degrees, the waiting area was located near the building's entrance with constant foot traffic, and the environment caused her to feel sweaty. Thereafter, the appellant indicates that the testing room was in the basement and she had to stand in line while waiting for her identification to be checked. She asserts that the room was so crowded that everyone was seated elbow to elbow and the warmth made her sweaty, her hands clammy, and she felt sleepy. The appellant asserts that the monitors did not provide information in a clear, succinct manner and there was a noise coming from the ventilation system, which

made it difficult for her and others to hear instructions. She states that although she felt like walking out and complaining, she acknowledges that she did not complain until after taking the test out of respect for others. The appellant states that the monitors did not understand and explain the booklets or computers well, and constantly gave incorrect information. Further, she asserts that the monitors did not provide a tutorial or overview of the computer software which caused her and others to experience computer issues while taking the test resulting in a constant and distracting flow of questions during the test. Specifically, she indicates that because of the monitor's lack of knowledge, she was unable to answer some of the questions that required the drop-down as she was told to "x" out of the screen or click on "Next" and this made her unable to answer some of the questions. The appellant alleges that the monitors did not explain that both test booklets were needed to complete the test. Initially, she claims that she told that one of the booklets, the "Information" booklet, was only used to document her personal information and then the monitors later told her that both booklets were actually needed for the test. She further complains that the lighting was poor. The appellant presents that graphs inside the booklet appeared to have been copied over and were not clear enough to read and that the instructions did not explain which graph she was to use for a certain set of questions. She states, "one of the question alluded to sexual harassment. Per the State of NJ policy on harassment calling someone an **air head once** could be considered harassment if the behavior repeatedly (sic) but is **NOT** considered sexual harassment."

CONCLUSION

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

With respect to the appellant's comments regarding the temperature of the room, the room being crowded, the standing in line, the noise, and other complaints about the overall test environment which she asserts made the test not conducive to a successful environment, while the appellant did file an appeal at the test center, her appeal was limited to issues related to the test monitors. Further, the appellant acknowledges she did not complain about these issues until after the test. 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." As the appellant did not bring these issues to the monitors' attention at the time of the test being administered, and therefore, they did not have a chance to remedy these issues, these issues are moot. Additionally, the Station Plaza Test Center is conducive to testing as it was specifically designed for that purpose. In reference to the appellant's complaints

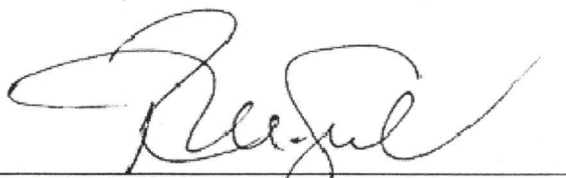
regarding the monitors, the monitor instructions are scripted and clearly direct the candidates through filling out the test booklets and registration screen. Additionally, there are instructions built into the test that the candidate is responsible for reading. In regards to the graphs in the test booklet, if the appellant had a problem reading her test booklet, she should have brought it to the monitors' attention before finishing so that these issues could have been addressed at that time. With respect to the appellant's appeal of one of the questions related to sexual harassment, the appellant has not identified the specific question she is appealing nor has she clearly described the issued. Regardless, the STB was developed by Subject Matter Experts (SMEs), individuals proficient in the field of management, and has been reviewed extensively by executive and senior management officials from across the country, including officials in the State of New Jersey, to ensure that the test content accurately assesses competencies required to perform successfully in a wide variety of supervisory positions. The STB has been pretested and validated. As such, exam questions are not subject for review. Accordingly, 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 16th DAY OF AUGUST, 2017



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