



STATE OF NEW JERSEY

In the Matter of Bryant Isaac, *et al.*,
Entry Level Law Enforcement
Examination (S9999A)

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

CSC Docket Nos. 2020-2461, *et al.*

Examination Appeal

ISSUED: JUNE 7, 2021

Bryant Isaac, represented by Daniel Zirrith, Esq., Ruben Canchari, David Delara, Joseph Epps, Rami Khalil, Christopher Meyer, MD Miah, Cheyenne Nelson, Anthony Polidoro, Nakiyah Sanders, Luis Velez and Shontay Warren appeal their final averages on the Entry Level Law Enforcement Examination (S9999A).

By way of background, the Division of Test Development and Analytics contracted with PSI Services (PSI) to develop an examination to assess candidates for entry level law enforcement titles. The subject examination was announced on July 1, 2019 with a closing date of August 31, 2019. It is noted that 28,171 applications were received for this examination and 27,267 candidates were scheduled to be tested. The subject test was administered on November 2, 9, 16, 23 and December 7 14, 2019.¹ It is noted that on March 23, 2020, test results were initially posted to the Civil Service Commission (Commission) website. However, on March 25, 2020, the Commission website indicated, “The Civil Service Commission is experiencing technical difficulties with the Law Enforcement Examination (LEE) database results. We are actively working to resolve this issue. Please check back at a later date to check your test results.” Subsequently, on May 6, 2020, an email was sent to all Entry Level Law Enforcement Examination candidates which provided, in pertinent part, the following:

¹ In an email sent on September 13, 2019, LEE candidates were instructed to self-schedule their test date and location on a first-come, first served basis.

The scores for the Law Enforcement Examination are now available on the Civil Service Commission (CSC) website. The first release of the 2019 Law Enforcement Examination results revealed some technical issues related to candidate scores. The CSC worked with the test vendor to expeditiously re-score for the entire 2019 LEE candidate population to ensure accuracy, fairness and equity. As a result, a few scores may have changed from the original release.

Candidates were instructed, “If you have questions, please feel free to contact us at ExamAdmin@csc.nj.gov.”²

On appeal, Isaac, who failed to achieve a passing score, indicates that “on April 13, 2019, I had taken the Correctional Police Officer Exam (S9988A). I had received a score of 91 on said exam On November 9, 2019, I had taken the [subject test]. I checked the results . . . which states I had failed the exam.” Isaac requests his test score “as well as the reason I ‘failed’ the exam. In addition, please advise as to why the exam score from the 4/13/19 exam was not valid for the [subject test].”³ In a subsequent submission, Isaac requests “any and all documents concerning the Law Enforcement Examination Test, Testing Materials, Scoring Materials and any other documents concerning his exam and the scoring of the same.”

Canchari argues that in March, his score was indicated as “no show” and in May, he received a final average of 76.270. He asserts that he knows “some people who never took this test [and] got 99.999 [scores] and people like me who ha[ve] been taking these test[s] for many years⁴ had 70s or some even failed.” [T]here is something wrong with . . . the way they graded this test, they messed up and people like me are suffering.” He contends that he “never scored low score in my life [*sic*]. I even took the [B]ernst[e]in prep test course.”

Delara, who failed to achieve a passing score, asserts that “due to my personal character, life experiences, leadership and professionalism[,] I would be a perfect fit for this opportunity. I have studied long and hard to be able to pass this

² It is noted that ExamAdmin@csc.nj.gov was contacted regarding this matter and did not provide any further information.

³ As noted in the Entry Law Enforcement Examination (LEE) FAQs, available on the Commission website, and the 2019 Law Enforcement Examination (LEE) Fact Sheet, “Scores from ANY previous examination will **NOT** be carried over to this announcement. Anyone wishing to receive a score and be part of the 2019 LEE eligible pool MUST apply for this announcement, pay the related fee, and take and pass the examination scheduled for Fall 2019.”

⁴ A review of the record finds that Canchari took the S9999R exam, which was administered in 2013, and received a final average of 94.770, and the S9999U exam, which was administered in 2016, and received a final average of 87.940.

exam but unfortunately I unable to meet the standards for only one part out of the three that were given . . . I am asking you to reconsider my exam due to my high ratings on part two and three.” In a subsequent submission, Delara maintains that it is his “understanding the CSC had issues this year with test scoring therefor[e] giving incorrect scores. Being a law enforcement [*sic*] has always been my dream and I can’t let it go.” He requests that his score be reevaluated.

Epps asserts that he “received my initial test score in (April) which stated that I had passed the exam with a grade of an 83 . . . On May 06, 2020, I received an email stating that the test was inaccurately scored based on a computer error and that I have now received a Failure rating. When I reached out via email . . . on May 07, 2020 I was told ‘When the initial LEE results were released, some candidate answer sheets were not included in the initial process of determining the passing score, so we rescanned ALL answer sheets, including those answer sheets omitted from the initial process. The statistical performance of the omitted candidate population impacted the TOTAL candidate population statistics. As a result of the combined statistical performance of ALL candidates, many scores changed.’” Epps further notes that when he received his scoring notice, it indicated “my reason for ineligibility is due to scoring below minimum rating in Writ[tten] Part 1. There is no numerical score listed. I do not understand how I initially scored an 83 and now receive a Failure rating.”

Khalil contends that on March 23, 2020, he “received notice that examination scores were out. When I checked the [C]ivil [S]ervice website, the first score I saw was a 94.100 . . . On May 6, 2020, I received notice that examination results were being displayed again. This time around, [m]y score was a 84.680, 10 points lower than my previously displayed score. This just goes to show that the [C]ivil [S]ervice [C]omission has had trouble grading these exams.” He requests that his exam be “reevaluated and regraded to ensure that these results are accurate.”

Meyer asserts that he “received a grade of 72.410 on my recent [e]xam which seems extremely unrealistic, due to the fact that when I took the [e]xam a few years ago, I scored an 88.⁵ Prior to this most recent [e]xam, I attended the Bernstein Test Prep Class and took numerous practice exams . . . The drop in my most recent test score of 16 points compared to the prior test score seems incorrect to me especially considering all [of] the problems and issues that the Civil Service Commission has had with the grading of the recent [e]xam!!!!”

Miah presents that “the original result that was posted on the Civil Service Commission website at the date of 23rd March 2020 was leveled [*sic*] as ‘NO SHOW,’ which had to be wrong because I did show up to the test si[t]e . . .” “As a result, he indicates that he emailed the Commission and he was notified that “the data base

⁵ A review of the record finds that Meyer took the S9999U exam, which was administered in 2016, and received a final average of 88.150.

had issues with the result posted and the Civil Service Commission notified through email that they are working to resolve the issue.” On May 6, 2020, he checked his score, “and it shows ‘Failed Exam.’” Subsequently, he received a notice of ineligibility which states, “BELOW MINIMUM RATING IN WRITTEN PART 1. Also, my test date shows ‘N/A.’ I feel there is something wrong regarding my test and it may have not been graded properly because I took all parts of the test, part one, part two and part three of the LEE exam.”

Nelson argues that “this was the third time I took the LEE in New Jersey, scoring a 70.xx on the first and an 88.xx on the second⁶ . . . Since the first exam, I gained employment as a law enforcement officer. My experience as an officer helped me to become better familiar with the exam format . . . The results of this current and last exam I am able to take due to my age, states I failed the exam . . .” Nelson adds that “my friends and co-workers paid to take a prep course . . . and provided me with the methods they received . . . It is a known fact that the test has built in identifiers which reduces an applicant[']s score based on their responses causing many to fail or score very low.” Nelson asserts that his scoring notice “stated my reason for ineligibility is ‘below minimum rating in written part 1.’ I am very confident this is not accurate! . . . I know for a fact that I did not score below minimum in section 1, all of my responses are correct. I compared my responses with the supplied scenario information to confirm accuracy, the reason I took extra time in this section.” Nelson further argues that “the Commission had technical difficulties with the results database causing many to initially receive a now show, failed exam, as score or a score that later changed. If an error occurred during the initial scoring (January – April), who is to say rescoring approximately 3 weeks under state health restrictions concerning covid-19 which more than likely reduced personnel is accurate?”

Polidoro indicates that he is appealing “due to the fact that there was a technical difficulty with the scoring as stated on the CSC website . . . It’s my understanding that the passing result is 70% and would like to request what my total score is. In my notice it states that I apparently scored a 41 in writing⁷ which would make me ineligible regardless of total score. This ruling I find completely unacceptable especially since I’m graded on ALL correct responses not just one part of the exam.”

Sanders presents that in March, he “received a 79% on the exam . . . However, two months later I was informed that the exam ha[d] been re-scored due

⁶ A review of the record finds that Nelson took the S9999R exam, which was administered in 2013, and received a final average of 70.870, and the S9999U exam, which was administered in 2016, and received a final average of 88.200.

⁷ It is noted that Polidoro’s scoring notice indicates, “REASON FOR INELIGIBILITY: 41 – BELOW MINIMUM RATING IN WRITING PART 1.” It is further noted that “41” is the reason code and is not his numerical final average.

to technical issues and I failed the exam.” He maintains that the rescore “is confusing to me due to the fact that some of the other candidates’ exam score[s] remained the same when mine went to failing. I’ve gone through multiple preparation courses for guidance and to be prepared to my fullest capacity.” He indicates that he has “done many internships within law enforcement” and possesses a Bachelor’s Degree in Criminal Justice. In support of his appeal, he provides additional documentation including an email sent May 7, 2020 from ExamAdmin@csc.nj.gov which provides:

When the initial LEE results were released, some candidate answer sheets were not included in the initial process of determining the passing score, so we rescanned ALL answer sheets, including those answer sheets omitted from the initial process. The statistical performance of the omitted candidate population impacted the TOTAL candidate population statistics. As a result of the combined statistical performance of ALL candidates, many scores changed.

Velez, who failed to achieve a passing score, argues that he has “taken this exact exam multiple times prior and have always received a higher score each time,⁸ which only shows that I am very capable of receiving an even higher score or at least a passing final score this time around.” He maintains that “it is no coincidence that my first test result for 2019-2020 was a ‘No Show’ an error made by the NJ CSC which initially [a]ffected not just myself but multiple test takers . . . I truly believe there has to be an error on reviewing my multiple choice answers or an error on points reduction.” He concludes that “I should have had a passing score, based on my prior knowledge of the exam, consistent studying and history of passing prior exams each time around.”

Warren notes that on March 23, 2020, “my final average was ‘NO SHOW’. I emailed the [Commission] immediately and followed up with a call on March 24th in which I was told by a representative that the CSC was experiencing technical difficulties and test scores would be updated at a later date.” On May 6, 2020, “my final average is a 76.310. Due to the technical difficulties experienced and the number of scores that have been affected and fluctuated by this, I do not trust that this is my accurate final average.”

In the present matter, it is noted that the Division of Test Development and Analytics and the Division of Information and Logistics was contacted regarding this matter and did not provide any further information.

⁸ A review of the record finds that Velez took the S9999R exam, which was administered in 2013, and received a final average of 76.970, and the S9999U exam, which was administered in 2016, and received a final average of 82.000.

CONCLUSION

As noted previously, the Division of Test Development and Analytics contracted with PSI Services (PSI) to develop an examination to assess candidates for entry level law enforcement titles. PSI scored and processed candidates' test papers. As noted in the email sent to candidates on May 6, 2020, while there were some technical issues related to candidate scores, the CSC worked with the test vendor to expeditiously re-score for the entire 2019 LEE candidate population to ensure accuracy, fairness and equity. In addition, the email sent on May 7, 2020 noted above, provided further information which explains why some candidates initially received "no show" notices as well as why some candidates' scores changed after the rescore process. Moreover, the accuracy of the rescoring was verified as indicated in the May 6 and 7, 2020 emails.

As noted in the PSI Services Law Enforcement Aptitude Battery Assessment Preparation Guide for the New Jersey Civil Service Commission 2019 Law Enforcement Examination (Guide), the subject test consisted of three test components: the Ability Test, the Work Styles Questionnaire, and the Life Experience Survey. As also noted in the Guide, all three test components were scored and combined to determine a candidate's continued eligibility in the selection process. Although the scores were considered in combination, all candidates who did not achieve a passing score received a "Notification of Ineligibility" which indicated the reason for ineligibility as "Below Minimum Rating in Written Part 1." Thus, for the subject test, "Written Part 1" refers to the **entire** test and not to individual components. In addition, "Written" refers to multiple choice questions. Furthermore, PSI did not provide to the Division of Test Development and Analytics the scores for failing candidates or a breakdown of component scores.

It is noted that the Civil Service Commission cannot evaluate a candidate's level of preparedness; it can only evaluate his or her performance on the subject examination. In addition, a candidate's level of preparedness is not always an indicator of how well she or he will perform on the exam. Moreover, as indicated in the 2019 Entry Level Law Enforcement Examination Administration Guide, "Please note that no study group has been involved in the development or review of CSC examinations, and at no time has any examination material been provided to such groups. Additionally, the CSC is not responsible for any claims made by study groups or the manner in which they represent themselves for advertisement purposes."

With respect to past performance, prior law enforcement examinations and the subject exam assessed candidates for entry level law enforcement titles, they are different tests based on different correlation studies. As such, a candidate's performance on prior exams is not a reliable indicator of his or her performance on the subject test.

Regarding personal qualifications, the fact that a candidate has certain experience or background does not demonstrate the invalidity of the examination. In this regard, PSI conducted local criterion-related validity studies with New Jersey law enforcement personnel across all 13 entry-level law enforcement job titles, including correction officer job titles, and all geographic regions of the state. These studies provide support from a content and criterion-related validity standpoint for the validity of the Entry Level Law Enforcement Exam and for the similarity of the entry-level job titles in terms of the abilities and personal characteristics critical to effective job performance. PSI further indicated that the Entry Level Law Enforcement Exam was subjected to many forms of review by public safety testing specialists, subject matter experts (SMEs), and others. *See In the Matter of Richard Groth* (CSC, decided April 29, 2020).

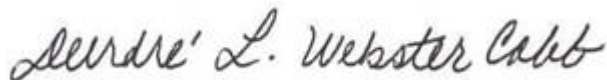
With respect to Isaac's request for examination materials, candidates were informed in the 2019 Law Enforcement Examination Administration Guide and by examination staff that there would be no review of any test material. Such review cannot be permitted, in order to maintain test security. Pursuant to *N.J.A.C. 4A:4-6.4(e)*, candidates may be precluded from reviewing exam materials. In addition, as noted above, the contents of the examination were supplied by a private vendor and the review of test content is not provided for under the terms of use of the exam.

ORDER

Therefore, it is ordered that these appeals 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 2ND DAY OF JUNE, 2021



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Rami Khalil (2021-246)
Christopher Meyer (2021-238)
MD Miah (2020-2672)
Cheyenne Nelson (2021-239)
Anthony Polidoro (2021-347)
Nakiyah Sanders (2020-2637)
Luis Velez (2020-2692)
Shontay Warren (2020-2611)
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