

Ceciel Youssef appeals the scoring of the Senior Engineer, Transportation (PS1109T), Department of Transportation promotional examination.

By way of background, the subject examination's closing date was December 23, 2019. A total of 17 employees applied for the subject examination and 16 were admitted. The test was administered on June 4, 2022, and 12 were found eligible. The appellant was determined ineligible as he did not pass the examination.<sup>1</sup> Certification PS220940 was issued containing the names of eight eligibles, certification PS220941 was issued containing the names of 10 eligibles, certification PS220942 was issued containing the names of six eligibles, certification PS220944 was issued containing the names of seven eligibiles, and certification PS220944 was issued containing the names of five eligibles. The dispositions for certifications PS220941, PS220942 and PS220944 are due November 11, 2022. The disposition for certification PS220994 is due November 28, 2022. The list expires on August 10, 2025.

On appeal, the appellant references a question that pertained to "performance rating" on Municipal Aid projects. He states that when rating Municipal Aid 2022 applications, award performance and closeout performance were worth three points

 $<sup>^{1}</sup>$  The minimum number of correct items to pass the subject examination was 48. The appellant answered 44 questions correctly.

each on the rating sheet. The appellant presents that the Municipal Aid 2023 application rating sheets now only consider three points for closeout performance as award performance is no longer considered. He provides that the Municipal Aid Handbook, dated April 2022, noted that only closeout performance will be considered for the Municipal Aid 2023 rating review. The appellant states that this allows for three points if closeout performance is satisfactory. Therefore, the appellant believes that either three points or six points could be a correct answer depending on what guidance document was used.

The appellant also references a second question that pertains to State Aid programs administered by the Department of Transportation. He presents that, in accordance with the State Aid Handbook, dated September 2012, page one indicates that there are eight State funded programs administered by the Department of Transportation. Therefore, he believes that eight should be the correct answer.

Additionally, the appellant asks if his Performance Assessment Review (PAR) rating of three, which is an Exceptional rating, is credited in his examination score.

## CONCLUSION

N.J.A.C. 4A:4-6.4(a)1 provides that within five business days after the date of review, in the case of candidates who have reviewed the keyed test booklet, or five business days from the date the multiple-choice examination has been held, in the case of all other candidates, candidates may file an appeal in writing against the keyed response for a given item, or with respect to the job-relatedness or appropriateness of test content. The appeal shall specify the question(s) being challenged.

*N.J.A.C.* 4A:4-6.4(a)2 provides that candidates for multiple choice examinations may review their examination papers and the scoring key 20 days after the notice date of the examination results. However, such candidates may file appeals during this 20-day period only with respect to the scoring of their test papers.

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

Initially, it is noted that the appellant's appeal against the keyed responses for specific tests item is untimely as he did not appeal within five days of the June 4, 2022, examination administration date.

Regarding the merits, the subject examination was administered during fiscal year 2022. The first question does not indicate that there could be more than one correct answer. Therefore, the best answer for the first question would be based on the 2022 Municipal Aid Handbook, which indicates that for fiscal year 2022, the

correct answer is (b) 6. Concerning the second question, as the appellant indicates, the correct answer is eight, which he correctly answered and received credit for on the examination. Finally, as the appellant did not pass the written examination, his PAR rating was not factored into his score, as one's PAR rating is only added to a passing candidate's score.

## ORDER

Therefore, it is ordered that the 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 12<sup>TH</sup> DAY OF OCTOBER, 2022

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