



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Paula Pinho, Taxpayer Service Representative 1 (PS0415U), Department of the Treasury

CSC Docket No. 2016-1481

Examination Appeal

ISSUED: **DEC 2 1 2015** (RE)

Paula Pinho appeals the test administration of the Supervisory Test Battery (STB), which was used for the promotional examination for Taxpayer Service Representative 1 (PS0415U), Department of the Treasury. It is noted that she failed to achieve a passing score on the STB.

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The subject examination was administered on October 13, 2015, utilizing the STB, and 41 candidates passed. The list has not yet been certified. Candidates were required to achieve a raw score of 512 to pass the examination, and Ms. Pinho earned a final score of 482. In a letter which was date-stamped as received on October 16, 2015, the appellant filed an appeal regarding test administration. Specifically, she stated that she was disadvantaged due to computer failure. She explained that as she attempted to take the test, she received a message box error on her computer at three different times, advising her to exit out and then login again. At each time, she stopped and called the proctor to come over to do this on her behalf. She was not sure if any test questions were skipped; however, the third time she believes that at least one question was skipped, if not more. She indicates that this was a stressful situation, and the computer problems made it worse and was unfair. She argues that, due to issues beyond her control she was not able to take the test on the same level as the rest of the applicants, and she feels penalized. She states that after the third time, the proctor left the room and went to go to speak to another proctor. Sitting there for a while and not knowing what to do, she walked into the hallway where she saw another proctor and she asked her if she should continue with the test. She was advised to continue, and she followed this directive. She states that she asked another proctor what she should do regarding these occurrences, and was told they would have to contact someone, and that if there were any unanswered questions they would call her. However, no one took her name or any contact information. She states that the events were very frustrating, and that she wasted time resolving the issues. She states that she proceeded as instructed to finish the test, but did it quickly "because of the much wasted time" and that this may have contributed to her low score, with the possibility of questions being skipped.

CONCLUSION

Initially, it is noted that the STB utilizes multiple choice test questions that are presented to candidates on a computer concerning issues, tasks and situations associated with the role as a supervisor in a fictitious organization. It is designed to measure supervisory knowledge and abilities such as analysis and judgment, employee evaluation and development, interpersonal skills, written communication skills, leadership and decision making. The STB is the sole selection instrument administered unless it is determined that candidates for the examination have not been tested or evaluated sufficiently in prior positions for other important worker characteristics not measured by this examination. Candidates are allotted three hours and fifteen minutes to take the examination on the computer, and the computer tracks the remaining time as the candidate answers the questions. Any eligible list generated as a result of the STB has a duration of two years, and scores are banked for possible future use. Candidates may retake the STB after one year in response to future announcements for which they may be eligible. The tolling period for banking test scores begins on the date the initial STB examination is administered.

The appellant took the STB on October 13, 2015 and did not appeal test conditions until three days later. 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. The room monitors are required to make an announcement before the start of each examination that, should a candidate wish to appeal the test administration, he or she must do so at the test center. Room monitors for the STB specifically read to the candidates, "All appeals of the test administration, not the exam content, must be done today at the test center." Lastly, this information is available on the Commission's website. The Appellate Division of Superior Court has 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." See In the Matter of Kimberlee L. Abate, et al., Docket No. A-4760-01T3 (App. Div. August 18, 2003). Since the appellant's appeal pertaining to the test administration issues was not submitted on the date of test administration, her appeal is untimely.

Further, test centers are under the supervision of Center Supervisors. In this case, the Center Supervisor notes indicated that the appellant's computer lost internet connection and she was required to exit the browser and restart the process twice. For the second occurrence, the Center Supervisor noted that the appellant stated that the computer did not bring her back to the same question. She was told by the Center Supervisor that the results would be checked and she would be notified the next day if there were items missed. A review of the results indicates that no items were missed. The appellant answered all of the questions given. As Ms. Pinho states that the computer such, she took the entire examination. problems were frustrating. In this respect, the software for the computer was working correctly, and the problem with the internet connection was with the center. That is, the computer at the test center lost internet connection, which is outside the control of the staff for the examination. The appellant did not lose any time in completing the examination, and she answered all of the questions with over half an hour to spare. There is no evidence that questions were skipped, and the appellant was not shorted any time. Aside from the timeliness issue, the situation is not so egregious as to warrant a retest.

A thorough review of all material presented indicates that the appeal is untimely and the appellant did not support 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 DECEMBER, 2015

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Chairperson

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