



B-64

STATE OF NEW JERSEY

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

In the Matters of Rosemarie
Krawiecki, *et al.*

CSC Docket Nos. 2017-1505
2017-1507
2017-1519

Examination Appeals

ISSUED: DEC 23 2016 (JET)

Rosemarie Krawiecki and Joanna Oliveras appeal the promotional examination for Supervising Family Service Specialist 1 (PS1032K), Department of Children and Families (DCF). Michelle Leyman appeals the promotional examination for Supervising Family Service Specialist 2 (PS1035K), DCF. These appeals have been consolidated due to common issues presented by the appellants.

The subject multiple-choice examinations were administered on October 15, 2016 and consisted of 100 questions and the eligible lists have not yet been issued. It is noted that a notice entitled "Special Notice to candidates regarding the promotional examination for Supervising Family Service Specialist 1 & 2" was provided to the candidates prior to the examination. The notice explained, among other things, that while it was understood that Supervising Family Service Specialist (SFSS) 1 and 2 employees may perform different duties across various units and divisions within DCF, it was important to remember that workers may be moved at any time to a different unit/area of work. Therefore, it advised all candidates to prepare for the exam by familiarizing themselves with the DCF/DCP&P on-line manual. It also noted that the test material may be drawn from areas including, but not limited to, State Central Registry (SCR), Adoption Operations (Resource and Subsidies), and Area and Local Offices (Intake, Permanency & Adolescents, and Adoptions) found in the on-line manual system volumes.

Leyman's Appeal

On appeal, Leyman contests the correct responses to questions 2, 49, and 79 on the PS1035K examination.

An independent review of issues regarding test questions has resulted in the following findings:

Question 2 was in a group of questions pertaining to a reading passage which was used to test effective expression. Sentences were provided to the candidates containing underlined phrases or sentences, and candidates were instructed to consider the best answer regarding such issues as clarity, punctuation, discrimination in the use of words, emphasis, spelling, appropriate structure, conciseness, smoothness, and consistency with acceptable usage. Question 2 indicated: The purposes of HELP4TEENS is to provide housing, education and support for emancipated youth and their dependents. The keyed response was option (d) – The purpose of HELP4TEENS is to provide housing, education and support.

Leyman argues that a comma should be placed after the word “education” and before the word “and” in the sentence. Therefore, she maintains that choice (b) – The purpose of HELP4TEENS are: to provide housing, education, and support ... is the best answer. She provides a citation from the American Psychological Association (APA) publication manual in support of her argument.

In reply, choices (a, b and c) are not considered the best answers, as those items have incorrect punctuation and improper verb tenses. Although Leyman argues that choice (b) is the best answer, it is incorrect because of the verb tense usage between “purpose” and “are” as well as the inclusion of a colon. Moreover, it is widely accepted that the “Oxford” or “serial” comma is optional in everyday writing. As such, choice (d) is the best answer. Accordingly, the keyed response will not be changed.

Question 49 was in a group of questions designed to measure knowledge of supervision techniques. Candidates were instructed to read each question and select the best answer. Question 49 indicated: The error of leniency is by far the most common of all errors in the rating of personnel. It occurs when the rater marks an inordinately large number of rating reports in the highest one or two categories such as “Very Good” and “Excellent.” This tendency to “overrate” has many obvious dangers, foremost of which is the . . . (.). Leyman chose choice (b) - impact it has on the integrity of the system.

Initially, Agency Services determined that the original keyed response for question 49, choice (a) - damaging effect it has on the morale of the truly outstanding worker, was incorrect. Accordingly, the keyed response was changed to choice (d) - creation of unrealistic employee confidence when improvement is really needed and possible.

Leyman argues, among other things, that choice (b) is more appropriate than choice (a). She contends that choice (b) is more professional than the keyed choice, as overrating employees does in fact compromise the integrity of the entire evaluation process.

In reply, managers do not always enjoy providing negative feedback, and employees do not like to receive negative feedback. In this regard, in order to avoid conflict, some managers will not accurately evaluate employees by providing them with higher ratings. However, improperly providing employees with higher ratings without justification does not help an employee to improve his or her work performance. Moreover, a poor performer who receives high ratings will not change his or her behavior when a supervisor does not address any areas of improvement that may be needed. As such, choice (d) is the correct keyed response. Accordingly, the keyed response will not be changed.

Question 79 was in a group of questions designed to measure technical knowledge of Child Protection and Paternity (CP&P) rules, regulations, policies and procedures. Candidates were instructed to read each question and select the best answer. Question 79 indicated: In which scenario could the SCR take a CPS/Other report? The keyed response was choice (a) - a contracted provider of services who works in a CP&P local office has allegations reported regarding their own minor child. Leyman selected choice (b) - a foster parent has both biological and foster children in their home and is abusing alcohol.

Leyman argues, among other things, that choice (b) is correct based on past practice and cases in the NJ Spirit system. Specifically, she explains that, while serving as an Intake worker, she was assigned cases where a resource parent had children in the home and allegations of abuse and neglect were made against the resource parent. She states that the resource parent had biological children involved with the case. She states that IAIU handled the foster children portion of the case and she teamed with an IAIU investigator and addressed the issues involving the biological children.

In reply, question 79 is a situation where a worker is presented with reported allegations of child abuse. The keyed choice (a) is supported by CP&P policy - http://www.state.nj.us/dcf/policy_manuals/CP-II-A-2-200_issuance.shtml. Leyman does not provide any specific cases or policies in support of her arguments to show

that choice (b) is the better choice. Accordingly, the keyed response will not be changed.

Oliveras' Appeal

On appeal, Oliveras contests the correct responses to questions 62, 64, 71, and 73 on the PS1032K examination. It is noted that Krawiecki also appealed the correct response of question 73. These questions were designed to measure technical knowledge of CP&P rules, regulations, policies and procedures.

An independent review of issues regarding test questions has resulted in the following findings:

Question 62 indicated: In regard to placement of children in adoption homes, which is NOT an appropriate topic of discussion at the Pre-Placement interview? The keyed response was choice (a) - Information regarding the birth parents' background and line of work. Oliveras selected choice (d) - Information on adoption subsidy, if the child and adoptive parents are eligible.

Oliveras argues, among other things, that the birth parent's employment history is important and a part of Child Summary Outline - Part B which is reviewed during the pre-placement interview. She argues that choices (a, b, c, and d) are all correct.

In response, the birth parent's history is a part of the Child Summary Outline - Part A. CP&P policy supports choices (b, c and d) as topics of the pre-placement interview. However, it also clearly states that prospective adoptive parents do not have access to the child's case record. In this regard, they cannot have identifying information about the birth of the family, which is the information that is included in Part A of the form. The policy also states that the original Part A form is filed in the case record. As such, the birth parent's background and information pertaining to their line of work is contained in Part A. Accordingly, it is considered to be identifying information and a part of the case record which the prospective adoptive parents do not have access. In this regard, prospective adoptive parents do not have access to the child's case record. They also cannot have identifying information about the birth family, identifying information about the siblings unless the case plan includes recommendation for continued involvement with siblings, or identifying information about previous foster parents unless there is recommendation for continued involvement with the child. http://www.state.nj.us/dcf/policy_manuals/PPP-IV-C-6-100_issuance.shtml and http://www.state.nj.us/dcf/policy_manuals/PPP-X-A-1-26.53c_issuance.shtml. As such, the keyed response will not be changed.

Agency Services omitted Question 64 as it determined that there was no correct answer provided in the choices. Accordingly, no further action pertaining to the question is necessary.

In her appeal, Oliveras was uncertain about a question that she answered during the examination. After a review of the information she provided in her appeal, it was determined that she was referring to question 71.

Question 71 indicated: which factor would be the MOST important consideration in determining an immediate response? The keyed response was choice (d) – alleged sexual abuser has access to the minor child/alleged victim. Oliveras selected choice (d) – which is the correct response.

Oliveras argues, among other things, that choice (a) – physical evidence may be lost if not immediately and properly document, is equally important. Although it is important to immediately document physical evidence in order to avoid potentially losing it, the question asks what factor is the MOST important in an immediate response situation. Choice (d) is considered the most important factor, since risk factors are more urgent in a situation when a perpetrator has access to the minor child/alleged victim. http://www.state.nj.us/dcf/policy_manuals/CPPII-C-2-300_issuance.shtml.

Question 73 indicated: Which is NOT a red flag for identifying potential human trafficking cases? The keyed response was choice (d) – threats of physical abuse. Oliveras selected choice (c) – threats of deportation. Krawiecki selected choice (a) – references to being a “slave” or “being treated like a slave.”

Oliveras argues, among other things, that all of the provided choices apply to the question and threats of physical abuse are definitely a red flag indicator for human trafficking. She also references the policy for red flags for identifying human trafficking cases. Krawiecki argues that the policy requires the workers to take notice of unexplained injuries, strange objects and signs of abuse and form CPPX A 1 9.3 provides follow-up questions asking including threats of abuse. Although Oliveras and Krawiecki correctly argue that options (a, b, and c) are appropriate, choice (d) is not supported by CP&P policy. In reply, while threats of physical abuse are serious, they are not identified in the policy manual as a red flag for identifying potential human trafficking cases. The policy manual identifies choices (a, b, and c) as red flag indicators. The Human Trafficking and Power and Control Wheel document does not use the “red flag” terminology. Additionally, the screener only uses form CPPX A 1 9.3 when the caller answers yes to four (4) or more red flags. http://www.state.nj.us/dcf/policy_manuals/CPPII-X-A-1-9.3_issuance.shtml and http://www.state.nj.us/dcf/policy_manuals/CPPII-X-A-1-9.4_issuance.shtml. Accordingly, the keyed response will not be changed.

Krawiecki's Appeal:

On appeal, Krawiecki contests the correct responses to questions 60, 72, 73, 76, 88, and 100. These questions were designed to measure technical knowledge of CP&P rules, regulations, policies, and procedures.

An independent review of issues regarding test questions has resulted in the following findings:

Question 60 indicated: Which is NOT an activity of an Intake Case Conference? The keyed response was choice (c) – Ensuring that the worker is following concurrent planning requirements. Krawiecki selected choice (d) – reviewing and approving the worker's documentation in NJ Spirit.

Krawiecki argues, among other things, that concurrent planning begins at the moment intake touches the case. In reply, supporting and redirecting workers as needed, assisting workers in determining risk levels, and reviewing and approving the workers' documentation in NJ Spirit (choices a, b, and d) are completed during the intake case conference. However, concurrent planning is only initiated for cases requiring placement of children. Additionally, the main focus of the intake case conference is not concurrent planning. Although the decision to place children may be made at the intake conference, the remaining procedures are performed outside of the conference. CP&P policy supports that choice (c) is the correct choice. http://www.state.nj.us/dcf/policy_manuals/PPP-III-C-5-400_issuance.shtml and http://www.state.nj.us/dcf/policy_manuals/PPP-III-B-2-300_issuance.shtml.

Question 72 indicated: What is meant by an immediate response when responding to an incident of abuse or neglect? An immediate response means that the responder has to initiate contact ... The keyed response was choice (c) – by the end of the day. Krawiecki selected choice (a) – within one hour.

Krawiecki argues, among other things, that the question asks the time frame for the worker to initiate an immediate response. She argues that CPP II C 2 300 directs that workers shall make contact by the end of the day or make a good faith effort with three attempts at least one hour apart. Further, she argues that the policy regarding SPRU case handling directs workers to initiate a response within one hour. She adds that, if the worker waits until the end of the day, there would be a risk that the response would not meet minimum requirements. In reply, CP&P policy indicates that, for an "immediate response," the assigned worker/investigator shall make an in-person contact with the child victim *no later* than the end of the work day in which SCR screener assigned the CPS report to the field office for response. http://www.state.nj.us/dcf/policy_manuals/PPP-II-C-2-300_issuance.shtml. Although Krawiecki argues that the SPRU assignment should

be made within one hour, and there is a risk that minimum requirements would not be met if the immediate response was made by the end of the work day, the question is not referencing a SPRU assignment or the minimum requirements of an assignment. Rather, it is referencing how the immediate response as defined by the policy. As such, the keyed response will not be changed.

Question 76 indicated: When must the SCR On-Call Administrator be contacted regarding a case? The keyed response was choice (d) – when a report is called into SCR that has possible media attention. Krawiecki selected choice (d) – which is the correct answer. Moreover, the keyed answer is supported by CP&P policy.

Question 88 indicated: In addition to being a State agency, CP&P is also a licensed adoption agency. In accordance with the manual of requirements for adoption agencies, at which age or older do children need to be interviewed alone as part of the post placement services? The keyed response was choice (b) – 5 years. Krawiecki selected choice (a) – 3 years.

Krawiecki argues that, while CP&P policy supports that children aged 5 and older must be interviewed alone, it is also necessary to interview all children. She admits that Post Placement Services Policy § 10:121 A-5.8 provides that children age 5 and over must be interviewed alone. She also states that there is a policy conflict, as CPP III C 3 100 “Minimum Visitation” requires contact with every child when placed in a home. In reply, the question asks *at what age or older do children need to be interviewed alone* (emphasis added). § 10:121 A-2 provides that, for children *age five and older*, the agency shall document the child’s record that the child was *interviewed privately* about his feelings about the adoption at each supervisory visit (emphasis added). Contrary to Krawiecki’s claim, there is no policy conflict. The policy *does not require* children *under five years of age* to be privately interviewed. As such, the keyed response will not be changed. http://www.nj.gov/dcf/policy_manuals/NJAC-10-121A-5.8_issuance.shtml.

Question 100 indicated: If applicable, a family may be reimbursed how much per child for non-recurring adoption expenses? Up to ... The keyed response was choice (c) – \$2,000. Krawiecki selected choice (b) – \$1,500.

Krawiecki argues that the directions for form 14-209 note that reimbursement for non-recurring adoption expenses is up to \$2,000. As such, she states that all of the choices are correct. However, the question specifically asks “UP TO ...” In reply, choices (a, b and c) are reimbursable amounts. However, they do not constitute the maximum amounts that may be reimbursed. In other words, the question uses the words “UP TO” to indicate the maximum amount that is reimbursable. Since CP&P policy supports that the maximum reimbursement allowed for non-recurring expenses is \$2,000, choice (c) is the best answer. As such,

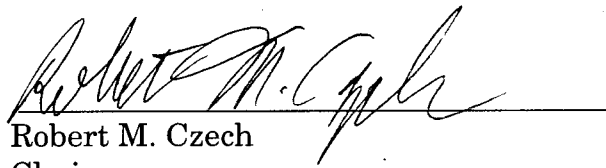
the keyed choice will not be changed. http://www.nj.gov/dcf/policy_manuals/PP-IV-C-8-300_issuance.shtml.

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 21st DAY OF DECEMBER, 2016



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