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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Monica Scarborough,
Correction Officer Recruit (S9988T),
Statewide

CSC Docket No. 2016-720

Examination Appeal

ISSUED: OCT 22 2015 (SLK)

Monica Scarborough appeals her score that was below the minimum rating in Written Part 1 for the open competitive examination for Correction Officer Recruit (S9988T), Statewide.

By way of background, 12,679 individuals applied for and 11,943 were admitted to compete in the subject multiple-choice examination that was conducted on April 7, 2015. The eligible list contains 7768 names and expires on July 22, 2017.

On appeal, Ms. Scarborough requests to review her test and answers. Additionally, the appellant, who is a 44 year old African-American woman, believes that the subject examination is biased against older, African-American women. The appellant contends that the test was designed to eliminate African-American women over age 40 in favor of Caucasian men in their early to mid-twenties. The appellant presents that the examination only requires a high school education and a satisfactory background. Therefore, she questions the validity of an examination where someone like herself, who has three college degrees, including a degree in Criminology, a United States Military background, a collegiate athletic scholarship recipient, and a Federal Law Enforcement Academy Graduate, cannot pass. Therefore, she argues that the exam was designed to discriminate against certain target groups. She also questions the validity of the exam on the basis that she has a 29 year work history and failed; yet a new high school graduate with little or no work experience can pass. The appellant further outlines her education,

employment history, and military achievements and highlights that she previously passed five other Civil Service exams.

CONCLUSION

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

In regard to the appellant's request to review her test, *N.J.A.C. 4A:4-6.4(e)* specifically states that in order to maintain the security of the examination process, this agency, on a particular examination, may modify or eliminate the review of examination questions and answers. Candidates are notified of any such restrictions at the time the examination is administered. In this case, candidates were informed in the 2015 State Correction Officer Recruit Examination Administration Guide and by examination staff on the day of the test that there would be no review of any test material in order to maintain examination security. In addition, the contents of the examination were supplied by a private vendor, EB Jacobs, and the review of test content is not provided for under the terms of use of the exam.

With respect to the appellant's claim that the test was biased against older, African-American women, a job analysis was conducted to identify the Knowledge, Skills, and Abilities (KSAs) that are necessary to perform the job of a State Correction Officer Recruit. A job analysis is the process of critically examining job components in order to provide a functional description of a job. As a part of this job analysis, information was gathered about the job through interviews, surveys, and/or observations of on-the-job activities of incumbents (permanent employees). Based on this job analysis, several KSAs were identified and rated as to their importance for job success. Examination questions related to those KSAs that were determined to be most critical. The job analysis performed for this title was done in accordance with accepted psychometric principles to ensure that the test is job related and not biased and evaluated those KSAs necessary to successfully perform the duties of the title under examination. *See In the Matter of John Maleski* (MSB, decided February 22, 2006). Further, in reference the appellant's education and experience, the fact that she has certain experience or background does not demonstrate the invalidity of her score. Moreover, the appellant offers no evidence to support her comments concerning bias against African-American woman who are over the age of 40 in favor of Caucasian men in their early to mid-twenties. *See In the Matter of Paul W. Kurzen* (MSB, decided March 7, 2000) (The appellant argued that the examination's lack of math questions favored women since "men are usually better at math." The appellant's appeal was denied as he offered no evidence in support of his comment that a bias existed against men relative to the lack of math questions.)

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 21st DAY OF OCTOBER, 2015



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