



STATE OF NEW JERSEY

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

In the Matter of Janet Stendardo, *et al.*, Assistant District Parole Supervisor (PS5490I), State Parole Board

Examination Appeals

CSC Docket No. 2018-3612, *et al.*

ISSUED: FEBRUARY 25, 2019 (ABR)

Janet Stendardo, David Cunningham and James Seaver appeal the administration of the promotional examination for Assistant District Parole Supervisor (PS5490I), State Parole Board. These appeals have been consolidated due to common issues presented.

By way of background, the subject promotional examination was administered on June 7, 2018 as a written multiple-choice examination at four different examination centers throughout the State. Candidates were required to answer questions 26 to 45 and questions 51 to 120 in their test booklets and to achieve a minimum raw score of 58 to pass the examination. A total of 123 employees applied for the subject examination that resulted in an eligible list of 83 names, which promulgated on August 30, 2018 and expires on August 29, 2021. It is noted that 18 candidates failed the subject examination and 21 candidates were no-shows. A certification (PS181489) was issued on November 9, 2018, which has not yet been disposed of.

On appeal to the Civil Service Commission (Commission), the appellants argue that the monitor assigned to their testing room in Hammonton gave them inaccurate instructions. Specifically, they claim that the monitor told them to begin the exam at question one in the test booklet but key the corresponding answers beginning at question 26 on the answer sheet. The appellants maintain that approximately one and one-half hours into the examination, they became aware that they were supposed to start the exam at question 26 in both the test booklet and the answer sheet. The Center Supervisor subsequently moved them into a

different classroom and had them transfer their responses onto a new answer sheet. However, they contend that the Center Supervisor did not give them sufficient time to transfer their responses and to complete the examination after they were moved into a new room.

Stendardo maintains that the Center Supervisor initially promised to give them five additional minutes to account for the confusion caused by the monitor's error, but because several candidates continued to complain about the situation being unfair, he collected the materials after giving them only one additional minute. Stendardo states that, based upon these events, she lost approximately 45 minutes of examination time and was unable to answer 12 questions that were part of the examination.

Seaver also contends that the monitor's instructions were deficient because she did not advise the examinees that the test booklet contained more questions than they were required to answer or to read the directions that were printed on the back cover before providing other instructions. He states that she did point out to them that the stub on the answer sheet indicated which questions they were to answer. However, he submits that she did so with the incorrect instruction to begin answering from question one in the test booklet but to key the corresponding answers beginning at question 26 on the answer sheet.

Cunningham argues that the monitor's instructions were critical because the stub on the answer sheet did not explicitly state that examinees were required to mark their answers on the corresponding spaces on their answer sheets. Cunningham submits that the time and stress involved in transferring the correct responses onto the new answer sheet only left him with enough time to key "C" as the response to all of the "scheduling" questions without reviewing them. He asserts that if he had been in a different testing room, he would not have initially filled out his answer sheet incorrectly because the monitors at other testing locations provided clear verbal instructions regarding which questions to answer and where on the answer sheet to mark their responses.

As to requested remedies, Stendardo contends that she should at least be granted an additional 45 minutes to complete the 12 questions she was unable to finish because she answered questions which were not part of the subject examination based upon the monitor's error. Seaver requests, at a minimum, additional time to ensure that his original answers were properly transferred to the new answer sheet. In the alternative, Stendardo and Seaver request make-up examinations. Cunningham requests to retake the "scheduling" questions.

In his report, the Center Supervisor states that he gave the five examinees, including the appellants, five additional minutes to complete the examination to account for the disruption caused by the move.

CONCLUSION

In the instant matter, the appellants argue that the monitor and test material instructions were ambiguous and led them to begin the exam at question one in the test booklet but key the corresponding answers beginning at question 26 on the answer sheet. Nevertheless, the record demonstrates that all of the appellants received an answer stub that stated that they were to answer questions 26 through 45 and questions 51 through 120 and “Instructions for Multiple Choice Test” which detailed how to properly mark their answer sheets.

It is noted that the examination booklet contained tests for several titles under three different examination symbols. This is common in Civil Service examinations. Different titles covered by the examination booklet are assigned different questions to answer. In many cases, there are examination areas common to several titles that can be efficiently tested using the same booklet. In the instant matter, candidates for the Assistant District Parole Supervisor (PS5490I) examination were required to answer questions 26 through 45 and questions 51 through 120 in the booklet. Thus, although the test booklet began with question one, applicants for the subject examination were only required to answer questions 26 through 45 and questions 51 through 120.

The Division of Administration provides sufficient notice to all candidates regarding what questions they are to answer when an examination booklet is utilized to test multiple titles and symbols. In this regard, monitors are specifically trained to tell the candidates that the specific questions they must answer for the examination they are completing is printed on the stub portion of their answer sheets in the space below their applicant/Social Security number. The monitors explain that the test booklet may contain more questions than they are required to answer the questions noted on the stub portion of the answer sheets. Moreover, the monitor instructions emphasize this fact so that candidates understand that they must answer each question in the correct spot on the answer sheet. For example, if only questions 26 through 45 are indicated on the stub, candidates are instructed to start marking their answer sheets at question 26 on the answer sheet. Indeed, the computerized answer sheet unambiguously indicates “Answer These Questions,” followed by the questions the candidate is to answer under the candidate’s applicant/Social Security number.

As noted above, it is common to use one test booklet to examine multiple titles and symbols that are being examined utilizing the booklet. Test booklets are passed out “face down,” and candidates are instructed to read the “Instructions for Multiple Choice Test” that are printed on the back cover *before* any other instructions are provided. These instructions specifically advise candidates, “on your ANSWER SHEET locate the ROW of circles opposite the NUMBER of the question you are answering. Find the CIRCLE that corresponds to the letter of the

answer you have chosen as being best. Blacken in this circle with your PENCIL.” Thus, reasonable and clear notice is provided to all candidates regarding what questions to answer in the test booklets utilized to examine multiple titles.

It is evident that when instructed to “answer these questions,” one should address the questions so specified. In this regard, it is noted that the Merit System Board, the predecessor of the current Commission, found that the answer stub provided unambiguous notice to candidates about where to begin answering questions in the text booklet and to mark them on the corresponding space on the answer sheet provided. *See In the Matter of Clarivel Colon, et al.* (MSB, decided August 11, 2004). Moreover, the Commission does not find any error in the Center Supervisor’s response to the aforementioned events. It is noted that the Center Supervisor stated in his report that he gave the appellants five additional minutes to account for the time it took to move them into a new classroom and provide them with new answer sheets. The Commission finds that in the foregoing circumstances, it would have been inappropriate for the Center Supervisor to give the examinees additional time beyond the five minutes it took to move them from one classroom to another classroom. Specifically, the appellants’ errors were ultimately attributable to their failure to properly interpret the clearly-written instructions on the answer sheet stub and the back of the test booklet. Further, any time beyond the extra five minutes the appellant’s received would have exceeded the two hours and 15 minutes provided to other examinees. Accordingly, the appellants have failed to support their burden of proof in this matter.

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 20TH DAY OF FEBRUARY, 2019



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