



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Amy Carmel,  
Investigator 1, Taxation (PS0793U),  
Department of Treasury

Examination Appeal

CSC Docket No. 2016-1838

ISSUED: DEC 14 2016 (SLK)

Amy Carmel appeals her score on the promotional examination for Investigator 1, Taxation (PS0793U), Department of the Treasury. It is noted that the appellant failed to achieve a passing score.

By way of background, the subject promotional examination was conducted on November 17, 2015 utilizing the Supervisory Test Battery (STB). The STB utilizes multiple-choice test questions that are presented to candidates on a computer concerning issues, tasks and situations associated with their role as a supervisor in a fictitious organization. Candidates are required to achieve a raw score of at least 51.2 in order to pass the examination with a percentage average score of 70. The appellant achieved a raw score of 44.6 and thus did not achieve a passing score.

On appeal, the appellant states that some of her answers may have been mistakenly marked incorrect by the computer system. Therefore, she requests to review the test questions and her answers. Additionally, she claims that the questions on the STB do not have relevance to the subject title and that it was unfair that she was asked questions regarding how to handle supervisory related scenarios when she has not yet been a supervisor. Further, the appellant complains that none of the questions involved her current daily operational demands which include canvassing businesses, dealing with the public, and seizing the businesses and property of non-compliant citizens. Moreover, the appellant contends that the subject title is for an assistant supervisory position that only acts as a supervisor in the absence of the supervisor. She also highlights her educational background

which includes a Bachelor's degree in Criminal Justice and Master's degree in Sociology with a concentration in Crime and Justice Studies.

### CONCLUSION

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

Initially, the STB has been extensively reviewed by supervisors and managers from various occupations and agencies. They have served as subject matter experts to determine that the test content accurately represents competencies that are required in supervisory positions. The STB tests some of the major competency areas associated with being a supervisor such as Problem Solving, Leadership, Decision Making, Interpersonal Skill, Communication, Team Building, and Conflict Management. The STB is a work simulation. Candidates are asked to assume the role of a supervisor in a fictitious organization. Further, no special knowledge regarding the work of this fictitious organization is required in advance. The purpose of the STB is to test a candidate's competencies in areas associated with supervisory positions. Thus, the STB is the *sole* selection instrument administered for primary or secondary level supervisory titles 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. In this case, since all of the candidates were sufficiently evaluated in prior positions for other important worker characteristics not measured by the STB, it was not necessary to subject the pool to an additional assembled examination that tested technical aspects of the Investigator, Taxation title series.

*N.J.A.C.* 4A:4-2.2 provides considerable discretion to this agency in the determination of appropriate test modes. In this regard, the STB is designed to be used for primary and higher level supervisory titles. Notwithstanding the appellant's contentions, the Investigator 1, Taxation is classified as a primary level supervisory title. See *In the Matter of Joshua Brown, et al., Department of the Treasury* (CSC, decided November 18, 2015). Thus, the STB was the proper test mode for this examination. As such, the appellant has not demonstrated that the test mode was not appropriate.

Regarding the appellant's request to review the examination, due to the reuse of this examination, no review of examination questions or keyed answers is permitted. See *In the Matter of Supervisory Test Battery Lists*, (MSB, decided December 19, 2000). With respect to her educational background, a candidates' experience and other credentials, as indicated earlier, the STB is the *sole* selection instrument administered for supervisory level titles and a candidate's education and experience are not factored in the computation of their final average score.

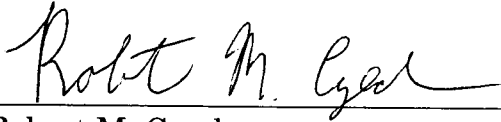
Accordingly, the appellant has not met her burden of proof in this matter.

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 7<sup>th</sup> DAY OF DECEMBER, 2016



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