

CSC
B-39



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matters of Kevin Francois, *et al.*
Equipment Operator (PS2898T),
Department of Transportation

Examination Appeals

CSC Docket Nos. 2015-218, 2015-189
& 2015-308

ISSUED: OCT 22 2014 (EG)

Kevin Francois, John Redmond, IV, and Courtlynn Rivers appeal their scores of the performance test for Equipment Operator (PS2898T), Department of Transportation. Since these appeals address similar issues, they have been consolidated herein.

The subject performance examination was conducted on May 28, 2014. A total of 162 applicants applied for the subject performance examination that resulted in an employment roster of 120 eligibles with an expiration date of July 9, 2017. It is noted that seven candidates failed the examination. The appellants all passed the subject examination. Mr. Francois scored an 81.25 and ranked #105, Mr. Redmond scored an 88.68 and ranked #57, and Mr. Rivers scored an 86.68 and ranked #66.

On appeal, Mr. Francois argues that every time he operated the front-end loader he put extra effort into safety. He also contends that he did not block his vision with the bucket and did not rotate his wheels. Mr. Francois also claims that the front-end loader used for testing was jerky and could have resulted in point deductions. Additionally, he thought his synchronization of the bucket and broom was good and that he loaded a full bucket every time he went to the pile. Further, he argues that he operated the machinery at the lowest possible setting so as to have efficient maneuvering. Finally, Mr. Francois asserts that the examiner was holding a conversation with another gentleman while he was taking his test.

Mr. Redmond argues that there were many problems associated with the way the test was administered and scored. He claims that different criteria were given to the test takers and that not everyone was following the same procedures for each piece of equipment. Additionally, he contends that the sweeper being used for the test was defective and the rear broom would not lower properly. Mr. Redmond asserts that several other test takers made similar observations. Further, he argues that during the examination there was a variety of weather from clear skies to pouring rain. He states that because of this, test takers had different sets of criteria due to the wet ground. Moreover, he claims that he saw a test taker commit multiple safety violations yet this person ranked in the top 10. Mr. Redmond also contends that having only one examiner per piece of equipment was not sufficient and felt that having all the examiners from the same region as the test takers created bias. Finally, he asserts that the examination should be scored based on the eligible's application and resume.

On appeal, Mr. Rivers argues that during the training for the performance examination he was told by his area supervisor that the same equipment would be used for the examination. This was not true, and all the controls were different on the equipment used for testing. Additionally, he states that he was not present for the course instructions and did not receive complete examination instructions as he was obtaining a safety vest. Further, he argues that he rarely operates a mower in his current position. Moreover, he claims that the front-end loader should have been tested differently as well as the motor broom. Finally, Mr. Rivers asserts that he has been fully trained on the equipment in question and has trained several of the other eligibles who scored higher than him.

CONCLUSION

A job analysis was conducted by Subject Matter Experts (SMEs), individuals who are most familiar with the duties of an Equipment Operator. The results of this analysis identified the underlying knowledge, skills and abilities needed in order to successfully perform the duties of the title. The equipment and the scoring categories on the examination were selected to test the identified knowledge, skills and abilities. It was determined that candidate proficiency in the operation of a motor broom, tractor mower, and front-end loader were areas to be examined. Thus, the equipment utilized for this test was chosen to examine relevant job characteristics as identified in the job specification. Candidates were rated for their performance on each piece of equipment. Each candidate could score up to 100 points on each piece of equipment and deductions were made based on observations by trained assessors.

Further, as a result of the SMEs' analysis, scoring categories on the examination were created. In this regard, it has been well established in prior Civil Service Commission (Commission) decisions that an examination cannot be geared

to the specific duties of a particular position or posting. The test content must fairly test all candidates who meet the requirements to be eligible to take the examination. Thus, this examination tested the duties of the title, not the duties of specific positions and/or maintenance crews or specific makes or models of each piece of equipment. *See, In the Matter of Joseph Abbott, et al.*, (MSB, decided March 13, 2002). Specifically, the SMEs identified the scoring categories for the motor broom, the tractor mower and the front-end loader used in this examination. Thus, notwithstanding the variations between differing brands and/or age of the equipment, candidates for this examination were only evaluated on the SME approved performance criteria for each piece of equipment.

In the instant matter, the appellants have argued that some of the equipment was faulty, the weather conditions changed, that there were not enough assessors, and that the testing criteria should have been different. All of these factors were encountered by the other 117 applicants who passed the examination. As all applicants were subject to similar conditions, the appellants were not unduly disadvantaged by such conditions. With regard to concerns about the number of assessors and their performance, the Commission notes that all assessors were selected for this examination based upon specific education and experience criteria which was related to the ability to administer performance examinations of this nature. Additionally, a multi-day training program is administered to assessors that stresses proficiency and reliability in examination scoring and administration. Specifically, they are trained to make specific and objective observations of participant behavior and report on only what they can see and hear in a candidate's performance. Assessor training is reviewed to ensure that assessors with the highest reliability are chosen. Finally, while Mr. Francois contends that one of his assessors was speaking with another individual, he does not argue nor present any evidence that the assessor did not properly score his performance examination.

With regard to Mr. Francois' contention that he properly operated his equipment and should not have had points deducted, he provides no facts or evidence to support such a claim. The appellant's mere belief that he performed these actions correctly is insufficient to overcome the trained assessors' observations. Additionally, while Mr. Redmond claims he saw another test taker commit numerous safety violations, he was not the assessor grading this other student. Further, Mr. Redmond does not indicate this other individual's name nor does he indicate that this other individual failed to have points deducted for these alleged safety violations. He merely indicates that the individual scored in the top 10. With regard to Mr. Rivers' assertions concerning training, this agency does not review, monitor, or coordinate these training activities with the Department of Transportation. Issues concerning the training practices of the Department of Transportation are outside the scope of review for this appeal. Moreover, with regard to his contention that he was not present for the course instructions and did not receive complete examination instructions as he was obtaining a safety vest, the

Commission notes that Mr. Rivers was responsible for appearing for the examination at the proper time and to be ready to be tested. Mr. Rivers failed to indicate why everyone else had a safety vest and he did not, nor did he indicate if he informed the test administrators that he was leaving the immediate area to go search for a vest. The information provided by Mr. Rivers makes it appear as though he left the area to correct his error in not wearing a safety vest and failed to inform the test administrators. As such, the test administrators could not be held accountable for Mr. Rivers' decision to leave the test administration area without notifying the proper personnel.

Finally, the testing method chosen for the title under test was a performance evaluation. The Division of Selection Services found that testing the actual operation of the equipment was the most effective method for the Equipment Operator title. The applicants' experience was reviewed to determine eligibility for the examination but was not considered as a factor in scoring the present examination.

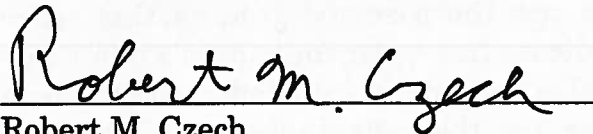
A thorough review of the record indicates that the determination of the Division of Selection Services was proper and consistent with Civil Service Commission regulations, and that appellants have not met their burden of proof in this matter.

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 22ND DAY OF OCTOBER, 2014



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THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

LABORATORY OF ORGANIC CHEMISTRY

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