

CONCLUSION

After reviewing his test materials, the appellant disagrees with his score for both components. He also requests an explanation of scoring, an explanation of the scores of another candidate, and a list of all possible courses of action (PCAs) that he missed. He disagrees with his seniority and contends that the two minute warning interrupted his train of thought.

As to seniority, the appellant received a seniority score of 83.170, and his final average was 87.410. Examination seniority is based on the time from the regular appointment date (to the eligible title) to the closing date of the announcement minus the time spent on layoffs, certain leaves of absence without pay, or suspensions. *See N.J.A.C. 4A:4-2.15* (Rating of examinations). The seniority score reflects the time spent in the title Police Lieutenant, which was listed on the announcement. The appellant received credit from his regular appointment on July 1, 2010 to the title Police Lieutenant, to the closing date, August 31, 2013. This amounts to three years, two months, and ten points were added for record of service. There is no error evident in the calculation of this score.

As to scoring, a detailed explanation was given to each candidate in writing at the review. It was explained that the two exams, written and oral, have different scoring scales and because of this, the scoring scales needed to be standardized before the scores can be combined. The appellant was given his scores and the calculations used in standardizing the scores. If the appellant had any questions regarding his scores, he could have asked the monitor during his review. A repeat of this explanation will not be provided herein. In addition, the appellant requests an explanation of scoring for the first ranking candidate, but he does not provide any details regarding a possible error in scoring. There is no reason to explain the calculations of another candidate's scores based solely on the appellant's request due to the fact that this individual scored higher than he did on the examination.

For the technical component, the appellant received a score of 4.5, and the assessors indicated that the appellant missed the opportunity to assist the victim in obtaining a Temporary Restraining Order (TRO) (question 1b). On appeal, the appellant states that he was penalized .5 points for one missing action. He states that he did not need to take this action since he was the on-scene Police Captain, and would have delegated this action. He requests a reference for this action. In addition, the appellant requests a list of all missed PCAs.

In reply, as mentioned above, the PCAs were developed by SMEs, and they determined that an additional action to take in response to the new information given in question 1b was to assist the victim in obtaining a TRO. This was a formal examination setting, and candidates were required to state what they meant. Without stating this action, the appellant has not indicated that he knew to assist

the victim in obtaining a TRO, or that he was delegating this action. The SMEs determined that this action was warranted and the appellant's argument that it was not is unpersuasive.

As to scoring and the assessor notes, the assessor notes are examples of missed behaviors, but are not all-inclusive of every missed action. A uniform set of scoring criteria was used for every candidate in this jurisdiction, and every performance was compared to these criteria. All missed actions are not included on the review form as this is administratively burdensome and would compromise the scoring criteria. The current review process permits controlled access to examination material and strikes a balance between the provision of information to the candidate and the maintenance of examination security. *See James T. Brady v. Department of Personnel*, 149 N.J. 244 (1997). When a component is appealed, the performance is reviewed in its entirety to ascertain the correctness of the score. In this case, the appellant's entire performance was reviewed, and his score of 4.5 will not be changed.

For the oral communication component, the appellant received a score of 4.5 as one assessor indicated a weakness in specificity. The assessors noted that the candidate displayed a minor weakness in specificity/brevity, by his failing to provide sufficient details to address question 2 of the scenario. The appellant argues that he expressed his answer to question 2 throughout the presentation, and he provides two examples.

In reply, each candidate was required to demonstrate a proficiency in oral communication, and any weaknesses in this area resulted in a lower score. These weaknesses were observable and defined. There are various factors associated with oral communication, and one of the factors in oral communication is specificity, which is generally noted if a candidate's presentation lacks specificity, depth and detail.

A review of the appellant's recording reveals that the appellant read and responded to each question. After questions 1a and 1b in the examination booklet, there was a Part 2, which was a narrative of more information regarding the scenario, and question 2. In his presentation, the appellant referred to Part 2 as question 3, and responded with actions to address this additional information. This response did not address any of the questions. Question 2 asked for actions recommended to reduce the likelihood of a similar problem happening in the future. The appellant read this question after the two-minute warning, and spent 45 seconds responding to it before concluding his presentation with a summary. In sum, the appellant responded to a question which was not there, and was very brief in his response to question 2. The appellant's presentation had a weakness in oral communication and his score for this component will not be changed.

Lastly, the appellant argues that the two-minute warning distracted him. In reply, this examination was administered on December 7, 2013, and the appellant did not provide an appeal of this issue until May 3, 2014. As such, any appeal of test administration, *i.e.*, the two-minute warning, is untimely. *See N.J.A.C. 4A:4-6.4(c)*. Nevertheless, a review of this matter indicates that this appeal has no merit. When giving instructions to the candidates, the monitors are required to follow the script. Part of this script included going over the examination process. At this time, the monitor stated, "When I instruct you to begin your presentation, you will have up to 15 minutes to give your response for all of the questions to the scenario. You may refer to your notes and examination materials during this time, but the staples may not be removed from their booklets. I will give you a 2 minute warning at the 13 minute mark to let you know that time is running out." As such, the appellant was told that there would be a two-minute warning given for his benefit. When asked if he had any questions, the appellant said that he did not and he did not object to being given a two-minute warning. A review of the appellant's recording indicates that the monitor provided the appellant with a two-minute warning, and the appellant nodded, paused for 4 seconds, and continued his presentation. The recording does not evidence that the appellant was distracted or thrown from his train of thought due to the two-minute warning. The appeal of this issue is untimely and without merit.

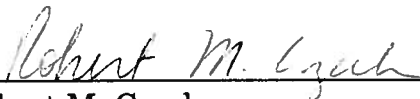
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 16th DAY OF JULY, 2014



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