



State of California

**CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

***Final Selection Practices
Audit Report***

**Prepared by the
Staff of the
State Personnel Board**

**Floyd D. Shimomura
Executive Officer**



August 2006



CALIFORNIA DEPARTMENT OF TRANSPORTATION *Personnel Final Audit Report*

August 17, 2006

Selection Practices

Article VII of the California Constitution requires that permanent appointments in state civil service be based on merit ascertained by competitive examination. This merit principle is embodied in the State Civil Service Act and State Personnel Board (SPB) rules that govern the examination process for all civil service positions.

The state's selection system is largely decentralized and provides for state departments, under the authority and oversight of SPB, to administer their own selection processes, including initial recruitment and publicity efforts, eligible list establishment, and hiring. The California Department of Transportation (CalTRANS) has the authority to conduct examinations and make appointments to civil service classifications within CalTRANS. Appointing powers, such as CalTRANS, and all officers and employees to whom an appointing power delegates appointment authority, are responsible for ensuring adherence to the laws and SPB rules throughout the selection and appointment process. Failure to adhere to the laws and rules renders the state employer vulnerable to charges of improprieties in the selection process and can result in costly challenges, the need to re-administer examinations, and the voiding of illegal appointments.

To insure compliance with the merit principle in the state civil service, SPB may conduct an investigation, in this case as the result of a complaint, of the selection process leading to the establishment of an eligible list; and if the examination is found to be conducted improperly, SPB may consider remedial action including, but not limited to, the freezing of an eligible list and ordering a new examination.

Civil Service (non-CEA) Examination Process

The merit principle embodied in Article VII, Section 1(b) of the State Constitution requires that civil service examinations be job-related and fairly test the qualifications of the competitors.

The State Civil Service Act dictates that to be *competitive*, an examination must be open to persons who meet the minimum qualifications for the class, and be of

such a character as “fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the class of position for which they seek appointment.” [Government Code (GC) §§ 18900(a) and 18930]

To ensure *job-relatedness* of an examination, an appointing power should perform a job analysis of the position to be filled. A job analysis is used to identify and determine in detail the particular job duties and requirements and the relative importance of these duties to the position in question. The job analysis can then be used to develop minimum requirements for screening applicants, as well as for selection and development of the examination itself.

The selection process for regular civil service positions begins with the examination phase and is followed by an appointment phase. Persons are appointed (hired for the job) to regular civil service positions based upon a classification-specific selection process typically consisting of a written test and/or oral interview. The type of testing process used may vary depending upon the results of a job analysis, but must comply with existing laws and rules to be consistent with the merit principle.

The names of persons who pass all parts of the examination are placed on an employment eligibility list. When there are job openings in state civil service, persons who are reachable on the employment eligibility lists are contacted for a hiring interview. The department has the discretion to hire anyone who is certified as eligible from the employment list or other people who have civil service eligibility by way of transfer or reinstatement. Most positions are full-time and employees gain permanent status after successfully completing a probationary period.

To ensure that an examination is not discriminatory, an analysis of statistical data is completed prior to or after the administration of each examination to determine if adverse impact resulted from any phase of the selection process (GC § 19705). The data is collected from the voluntary ethnic, gender, and disability document/flap attached to each state application form. Applicant and hiring data should be reviewed, summarized in an analysis and maintained in the examination file until a new examination is conducted. When there is a finding of adverse impact, human resources staff typically re-evaluates their selection procedures or document that the procedures were job-related, and include that information in their analysis.

Audit of Examination

This audit encompassed a review of the Staff Services Manager I and Staff Services Manager II (Supervisory) examinations. CalTRANS utilized a 100% weighted written test, which was conducted on December 18, 2005 with the

names merged onto the SSM I, January 16, 2001 and SSM II, February 13, 2001 eligible lists.

The audit of this examination included a review of the examination files, as well as the following:

- Exam bulletin
- Exam control records
- Competitors' applications
- Written Test Answer Sheets
- Written Test List of Competitors
- On-Line Electronic Written Exam Scoring Key
- Manual Written Exam Scoring Key
- Pass Point Setting
- Reschedule Correspondence (including for reasonable accommodations and religious purposes)
- Electronic Reports Generated (i.e., rejected and accepted competitors, list of competitors, final list of scores)

SPB Findings:

A number of serious inadequacies were revealed in the administration of this examination, as indicated in the following findings, which includes the Department's response to the findings:

I. APPLICATION REVIEW

- **Finding:** Applications Missing

Department's Response: Application was not found in files. Candidate applied for both the SSM I and SSM II examinations on the same application, and the application was located with the SSM II exam applications. Application should have been copied and included with the SSM I exam applications. Exam staff are being trained on proper audit procedures to compare applications against a list of competitors.

- **Finding:** Application reviewed for MQs after the written test date (12/18/05). Application was reviewed for this candidate, the application contained no date stamp; therefore, we cannot determine when application was filed. Candidate was rescheduled for written test. Candidate application indicated a date of 3/1/05.

Department's Response: The Department concurs that a date stamp is needed to ensure the application was filed timely. For

future exam administrations, all applications will be date stamped to determine candidates' eligibility to participate in an examination.

- **Finding:** Unable to account for all applications received versus candidates scheduled for exam.

Department's Response: One application (Candidate 1) is missing. An audit of the applications received versus candidates scheduled was not conducted. Exam staff are being trained on proper audit procedures to match applications received to candidates scheduled for exam.

- **Finding:** Candidate was made inactive when candidate actually withdrew.

Department's Response: Technician keyed a "9" only, rather than a "9" with a flag code of "G2". The "G2" flag code generates a letter advising the applicant that a withdrawal action has been taken per their request.

- **Finding:** Candidates who filed and were on the 2003 eligible list were made inactive without consideration of a testing period (no testing period indicated on bulletin).

Department's Response: Some candidates on the 2003 eligible list were inappropriately made inactive. For the next administration of the exams, the testing period will be indicated on the exam bulletin.

- **Finding:** Applications misfiled (accepted vs. rejected).

Department's Response: Reviewer found all SSM I and SSM II applications to be filed correctly.

SPB's Response: SPB audit team filed all applications correctly as the audit progressed. Caltrans staff made copies of missing applications for cross filers and any other misfiled applications were all properly filed as they were discovered.

II. WRITTEN TEST SCHEDULING

- **Finding:** Letter sent to candidates who had 2003 list eligibility advising them that they needed to take the written test in order to maintain eligibility.

Department's Response: A letter dated July 11, 2005 was incorrectly sent to eligibles indicating that they needed to retest to renew eligibility. Staff had been directed to mail a copy of the letter only to those who had list eligibility prior to 2003. This step would have been unnecessary had a testing period been included on the bulletin. Future exam administrations will include a testing period on the bulletin.

- **Finding:** Another letter sent to the same candidate group informing them that they did not need to take the written test as their list eligibility was extended to 2007. This created confusion among the candidates.

Department's Response: The records do not indicate a second letter exists.

SPB's Response: The audit included a review of a second letter sent to candidates informing them they did not need to retake exam as their eligibility had been extended.

- **Finding:** Problems with the mailing of the notices to appear for written exam, several notices were stuffed in the same envelope and because of this, some candidates did not receive their notices to appear (many of these candidates were later rescheduled). Unable to determine exact number of candidates, what portions of the exam was completed for each candidate, and the end result for each candidate.

Department's Response: Mail folding machine malfunctioned. This malfunction caused many candidate requests for reschedule. Exam staff will compare the number of envelopes against the number of applications for future exam administrations.

- **Finding:** List of Competitors for written examination is incorrect.

Department's Response: "List of Competitors" for written examination was incorrect. Exam staff are being trained on proper audit procedures.

III. WRITTEN TEST ADMINISTRATION

- **Finding:** No proctor orientation was conducted.

Department's Response: A proctor orientation was conducted by providing "Chief Proctor Training" and instructions for each examination. In addition to providing written proctor instructions,

exam staff have begun providing interactive proctor orientations prior to each exam administration.

SPB's Response: "Chief Proctor Training' is not provided prior to each examination administration, however, written instructions were provided to Chief Proctors. It is essential that at a minimum Chief Proctors are oriented either by phone or in person, to ensure that the Chief Proctor has up-to-date information and possible problems that could be encountered in the proctoring of the examination and proper procedures in completing the "Proctor's Report". In this case, the confusion of competitors on whether to take or not take the written test, the triple stuffing of competitors notices, proper method of dealing with reasonable accommodation requests at the test site, etc. If the Assistant Proctors do not attend the orientation, the Chief Proctor should allow sufficient time to orient the Assistants prior to the start of the examination.

- **Finding:** A departmental contact for the proctors was unavailable during exam administration.

Department's Response: Analyst was available during administration of examination.

SPB's Response: Although an analyst was available during the administration of these examinations, the analyst was not "readily available" in the event of emergencies, as this analyst was proctoring the examination in Sacramento. Best practice is to have the analyst most familiar with the examination to be "readily available" (typically during the entire period that the examination is being administered).

- **Finding:** Some candidates had wrong candidate ID on the testing site "Candidate Roster".

Department's Response: "Candidate Rosters" are printed from SPB On-line system that assigns candidate ID's. Reviewer was not able to identify an incorrect candidate ID in the sampling reviewed. Proctors did write in candidate ID s for candidates who arrived at the testing site without one.

- **Finding:** Some proctors indicated they did not receive the testing site "Candidate Roster".

Department's Response: Reviewer could not find a proctor report that reported not receiving a "Candidate Roster".

- **Finding:** Some candidates questioned proctors if they needed to take the test because they already had eligibility on the old list. Proctors were not given direction on how to respond to these questions and unable to contact the departmental exam analyst.

Department's Response: Proctors were provided direction to contact the examination analyst immediately if they are unable to answer any questions. Chief Proctor Instructions provides direction for responding to candidate questions. Reviewer found one proctor that noted, "Questions were asked regarding if they had to take exam again if they are on the list". Nothing was recorded regarding the Chief Proctor's ability or inability to answer question. To ensure that proctors will be able to provide appropriate and consistent response to candidates' questions, proctors are being provided with specific instructions on how to answer questions related to the exam administration. Additionally, proctors are being instructed to provide details on the Proctor Reports regarding how questions were answered.

- **Finding:** Proctors indicated that disturbances and disruptions occurred at several sites.

Department's Response: No proctor report indicated an inability to handle disturbances and disruptions. Three proctors indicated that they had disturbances/disruptions (i.e. Sacramento cafeteria site had a radio on in a secured area; another Sacramento site had a candidate complaint that another candidate was making excessive noise with pencil tapping, so candidate who complained was moved; Fresno site reported that one candidate was loud and disruptive and insisted on talking during exam.) To ensure that proctors are responding appropriately to unusual occurrences, proctors are being instructed to complete Proctor Reports with details regarding any incidents.

- **Finding:** The written test booklet numbers were hard to read as indicated by proctors.

Department's Response: One proctor noted that test booklet numbers were hard to read. Unable to verify because test booklets were confidentially destructed after examination. To ensure that proctors are responding appropriately to unusual occurrences, proctors are being instructed to complete Proctor Reports with details.

SPB's Response: The department should provide training to proctors on how to handle unexpected situations (i.e., what to do if

a page is missing from a booklet, how to handle a candidate requesting reasonable accommodations, etc.), not just how to document.

- **Finding:** Timing on the exam: Candidate letters stated 2 hours 30 minutes; proctors instructions stated 3 hours; written test booklet stated 1 hr 30 minutes; proctors received an e-mail note from exam staff indicating exam time of 1 hour 30 minutes.

Department's Response: Candidate letter included entire exam process time allowance (2 hours 30 minutes check in, exam instruction, exam, and submitting exam materials to proctor). Proctor instructions included entire exam process allowance 3 hours (arriving early for set up, candidate check in, provide exam instructions, administer exam, receive exam materials). Test booklet indicates length of actual examination (1 hour 30 minutes). To ensure that proctors are providing the correct amount of time to complete the exam, proctors are being trained on how to complete Proctor Reports, including indicating the start and stop time for the examination.

SPB's Response: An e-mail was sent to the proctors clarifying the letter, test booklet and proctor's instructions. In order to avoid confusion, the test booklet should have the exact length of time, the letter to proctors should indicate what the timeframe encompasses (i.e., amount of time to set up, orient assistant proctors, read instructions to candidates, check out candidates, do final counts, and pack up), and the proctor's instructions to candidates should indicate the length of time candidates have to complete the written test.

- **Finding:** Proctors instructions were incorrect regarding the use of the candidate security form.

Department's Response: Proctor instructions did not include directions to indicate the examination title on the security form. Review of form revealed it did not contain space for writing in the examination title information. Security form was revised June 15, 2006 to include space for the examination title. Additionally, the candidate security form will be reviewed to ensure space is provided for all necessary information. To ensure that the examination title is included on the security forms, proctors are being provided with instructions on the use of this form.

- **Finding:** On the SSM II examination, several pages in the written test booklet were out of order; four proctors reported this on the

proctor's report. The Caltrans exam unit sent an email to the proctors regarding this after the exam was administered.

Department's Response: A print error occurred in the duplication process and staff did not catch the error in a sample review of the test booklets before shipping. When staff received telephone call on December 12, 2005, the day before the written exam, reporting the problem, an email was sent to all Chief Proctors advising them of the error. For future exam administrations, to ensure that all proctors are notified of unusual occurrences, proctors will be contacted via telephone and via e-mail by exam staff prior to the exam.

SPB's Response: The department should provide training to proctors on how to handle unexpected situations (i.e., what to do if a page is missing from a booklet, how to handle a candidate requesting reasonable accommodations, etc.), not just how to document.

- **Finding:** One candidate brought her dog to the examination and the proctor allowed her to keep the dog with her during testing, which is unacceptable.

Department's Response: Dog was a service dog. Proctor actions were appropriate for the situation. Service dogs are exempt and allowed in expanded public venues (restaurants, hospitals, public buildings, etc.). To ensure that proctors are responding appropriately to unusual occurrences, proctors are being instructed to complete Proctor Reports with details.

SPB's Response: The information provided to SPB indicated this was a pet not a service dog—it is inappropriate for a candidate to bring an animal into testing site. If this was a reasonable accommodation, the candidate should have been rescheduled with the other reasonable accommodation candidates, separate from the rest of the candidate group. The proctor should have advised the candidate that she would need to be rescheduled on another date and verification obtained for the reasonable accommodation. The department needs to provide training to proctors on how to handle this type of situation.

- **Finding:** For one candidate, the proctor left the room and came back to occasionally check on that candidate, which is inappropriate when proctoring a written test. The proctor should have remained in the room throughout the exam.

Department's Response: The one rescheduled candidate was in the room with their examination materials only and a receptionist was on duty. Proctors are being instructed to remain in the room at all times for each examination administration.

- **Finding:** The appropriate form was not used for those candidates who showed up without a notice.

Department's Response: The appropriate form, "Exam ID Form 77" was used.

SPB's Response: During the audit, no forms were provided to the audit team to indicate this form was utilized and SPB had to provide the department with a copy of the form during the audit. The exam analyst when questioned on this area was unaware of the form.

- **Finding:** Notices to Appear do not match the total number of answer sheets. There were answer sheets without notices and notices without answer sheets. Unable to account for actual candidate counts.

Department's Response: The Department is only aware of one missing answer sheet. This answer sheet was lost from the Sacramento testing location. Exam staff and proctors are being trained on proper audit procedures to account for all answer sheets.

SPB's Response: During the audit, several answer sheets did not have corresponding letters to appear and one letter to appear did not have an answer sheet.

- **Finding:** The department did not properly audit the return of examination materials resulting in at least one answer sheet being lost, although the candidate did appear and took the written test (have candidate letter with signature showing they appeared).
(FATAL FLAW)

Department's Response: Exam staff and proctors are being trained on proper audit procedures to account for all answer sheets.

- **Finding:** Proctors did not account for the number of competitors, test booklets, used answer sheets or notification letters on the proctors reports. This does not allow for an audit trail for the exam. Security concerns raised the possibility that test booklets could have been taken from test site, lost answer sheets, etc. **(FATAL FLAW)**

Department's Response: The reviewer found that the Chief Proctor at the Sacramento testing location failed to audit exam material. This resulted in one lost answer sheet. Proctors are being re-trained on proper audit procedures.

SPB's Response: Proctors from all locations need to be trained in the proper protocol when administering exams.

IV. SCORING

- **Finding:** Department had difficulty with the electronic scoring of these tests and when errors printed out on candidates, the department inactivated those candidates and rescheduled at a later date, which was inappropriate.

Department's Response: SPB electronically scored the SSM I and SSM II examinations. Results were deleted and re-run approximately eight times. Various candidates appeared as errors with each version of the results. Every effort was made to correct the errors. In future examination administrations, candidates will not be inactivated, and the Department will work with SPB to ensure that all errors will be corrected prior to the list being established.

SPB's Response: The SPB exam system processes exams based on the user inputting into the system, this is a mechanical process and requires user knowledge of exam processing. SPB only provides direction to departments when errors occur. The department continued to request SPB to dump scores because department did not correct errors.

- **Finding:** The department used three limited scores without SPB approval for these exams and used different scores for the two exams. For SSM I the scores used were 70, 82, and 91; and for SSM II the scores used were 70, 80, 90. The proper scoring for these exams should have been the standard nine-limited scores. (This could be corrected and list re-established--clerical error.)

Department's Response: The Department contracted with SPB TV&C Unit in 1999 to create the SSM I and SSM II examinations, which included the use of three limited scores. Each subsequent administration in 2000, 2001, 2003, and 2005 was accomplished with ongoing interaction between the Department and SPB.

SPB's Response: The SPB Exam Services Unit provides assistance to departments in processing exams on how to operate

the system, not on the mechanics or decisions on the exam components, this is incumbent of the testing department to insure a merit process.

- **Finding:** The department changed the scoring key and deleted items for a standardized exam, which already had scores determined and a conversion chart established by SPB's TV&C Unit. The department did not have item analysis to justify any item deletions and had a pre-determined passing point.

Department's Response: The Department did not change the master scoring key. Rather, the Department submitted changes that had already been implemented and submitted to the SPB after the first item analysis was conducted in 2001. Exam staff are being trained on the exam scoring process so that the correct scoring information is provided to the SPB.

- **Finding:** The department had difficulty ordering the raw score tabulation; however, the department did not need it as they already had a pre-determined pass point and conversion charts for these exams.

Department's Response: The Department needs the raw score tabulation for completion of the examination history file.

- **Finding:** On the SSM I exam, SPB assessed the scoring key for the electronic scoring process. The electronic scoring key matches the manual-scoring key; however, SPB has identified one candidate who was processed electronically that was scored incorrectly. This is because an incorrect pass point was entered on the on-line exam system. (This could be corrected and re-scored—clerical error)

Department's Response: In future exam administrations, the exam staff will obtain SPB exam staff concurrence prior to changing the pass point.

- **Finding:** On the SSM II exam, SPB assessed the scoring key for the electronic scoring process. The electronic scoring key did not match the manual-scoring key. One question on the electronic scoring key was mis-keyed (keyed as "A", but the correct answer is "D"). Two additional questions on the electronic scoring key were deleted, however, the manual-scoring key indicates there are responses to these two questions. This lead to the incorrect scoring of the electronically scored candidates. **(FATAL FLAW)**

Department's Response: The Department provided the SPB with the correct master-scoring key. However, the Department submitted an electronic scoring key containing an incorrect answer. Processes are being implemented to ensure accurate scoring of answer sheets for future exam administrations.

- **Finding:** On the SSM II exam, there are deletions on the hand scored answer sheets that are not on the electronic scoring key, which lead to the incorrect scoring for the rescheduled candidates.

Department's Response: Processes are being implemented to ensure accurate scoring of answer sheets for future exam administrations.

V. ELIGIBLE LIST CREATION (FATAL FLAWS-ENTIRE SECTION)

- **Finding:** Eligible lists were created without accounting for all candidates. Eligible lists were created with some candidates being scored incorrectly.

Department's Response: The Department did lose one answer sheet (see Section I). All candidates will be accounted for prior to lists being issued for all future examination administrations.

- **Finding:** Eligible lists were created prior to completing the testing of the religious and disabled competitors (reflects possible discrimination), and to date the department has still not tested these individuals.

Department's Response: The Department did not complete all religious and disabled reschedules before releasing lists. All exam staff have been informed that reschedules must be completed before releasing lists.

VI. RESCHEDULES (REASONABLE ACCOMMODATION/RELIGIOUS)

- **Finding:** All candidates that requested to be rescheduled due to religious beliefs (Saturday testing) and reasonable accommodations were not scheduled until after the eligible lists were established. This practice is discriminatory on the part of the department. Furthermore, there are still candidates that requested reasonable accommodations or a reschedule due to religious who have never been rescheduled. **(FATAL FLAW)**

Department's Response: The reasonable accommodation issue is discussed under Section V. All reschedules in the future will take place prior to the list being established.

- **Finding:** The department did not have the candidate complete a reasonable accommodation request form to determine what specific accommodations the candidate needed. Additionally, medical substantiation was not requested for reasonable accommodations that did not appear to meet the criteria for accommodation.

Department's Response: Name of candidate without a form was not provided to the Department. Exam staff found numerous reasonable accommodation request forms in file with documentation, demonstrating staff knowledge of the process.

SPB's Response: No reasonable accommodation request forms were provided to the audit team and when Caltrans staff administering the exam was questioned about this, they indicated this information was not collected from candidate. Department needs to train staff in proper procedures in providing reasonable accommodation in exams.

- **Finding:** The department does not maintain a main file of all reasonable accommodation request forms with the decision as to what accommodations need to be made.

Department's Response: Reasonable accommodation requests were maintained in individual examination history folders. A separate file will be established for each candidate requesting accommodation.

SPB's Response: SPB recommends Caltrans maintain a main file, since reasonable accommodation information is sensitive and should not be in an exam history file.

VII. RESCHEDULES (GENERAL)

- **Finding:** The department approved reschedules for last minute conflicts with the date of the written test (i.e., to attend daughter's birthday party, scheduling conflict with no reason as to what type of conflict it was, etc.). Department did not follow standard rescheduling procedures.

Department's Response: Staff was flexible with reschedules due to the scheduling notice problems (i.e. folding machine malfunction and letter confusion) with exam scheduling. The primary reason for rescheduling the candidate that needed "to attend daughter's birthday party" was that the candidate did not receive a schedule notice. Exam staff are being trained on proper scheduling procedures.

SPB's Response: All candidates were informed of the testing date on the bulletin. Rescheduling individuals who do not meet the reschedule criteria results in favoritism to some candidates and does not ensure fairness in the process.

- **Finding:** The department allowed candidates to be rescheduled without proper documentation indicating the reason the reschedule was needed.

Department's Response: Reviewer found appropriate documentation for the reschedules.

SPB's Response: The information was not provided to the audit team and SPB requested all information be provided in order to complete the audit. If department had this documentation, it should have been provided.

- **Finding:** The department still has reschedules for the written test that have not been completed.

Department's Response: With the administration of the new exam, re-schedules will be completed prior to the list release.

- **Finding:** The department inappropriately rescheduled candidates after the eligible list was released even though they had competed at the same time as those on the eligible list. This was due to the department not correcting errors so the candidate's score could be included in the exam. **(FATAL FLAW)**

Department's Response: The Department made every effort to work closely with SPB to correct all errors and release clean lists. For future exam administrations, exam staff will ensure that all errors are corrected prior to establishing the list.

- **Finding:** The department rescheduled an applicant for the written test who was on military duty without the proper documentation indicating the applicant was on military duty.

Department's Response: Candidate provided proper documentation. Reschedule was appropriate.

SPB's Response: The documentation was not provided to the audit team and SPB requested all information be provided in order to complete the audit. If department had this documentation, it should have been provided.

- **Finding:** Reschedule test site candidate rosters had incorrect candidate counts.

Department's Response: Exam staff are being trained on proper audit procedures to ensure accurate candidate counts.

VIII. RESCHEDULES (SCORING)

- **Finding:** For the SSM I exam, the department incorrectly hand-scored many of the answer sheets for the rescheduled candidates and those answer sheets that had errored out, but were not corrected by the department. **(FATAL FLAW)**

Department's Response: For future exam administrations, processes are being implemented to ensure accurate scoring of answer sheets.

- **Finding:** On the SSM II exam, there are deletions on the hand scored answer sheets that are not on the manual scoring key, which lead to incorrect scoring of the rescheduled candidates. **(FATAL FLAW)**

Department's Response: For future exam administrations, processes are being implemented to ensure accurate scoring of answer sheets.

- **Finding:** Because of the incorrectly hand-scored answer sheets, some candidates who failed the exam would have passed while other candidates that passed the exam would have failed. **(FATAL FLAW)**

Department's Response: For future exam administrations, processes are being implemented to ensure accurate scoring of answer sheets.

- **Finding:** There are discrepancies in the candidate counts for the reschedules and no way to account for all the candidates.

Department's Response: Staff failed to audit list of reschedules against rescheduled candidate applications. Exam staff are being trained on proper audit procedures to ensure accurate candidate counts.

IX. RESCHEDULES ADDED TO LISTS

- **Finding:** The department added names of the rescheduled candidates to the eligible list, but with a different accession date than the list establishment date.

Department's Response: Analyst was not aware that all candidates were to have the same accession dates. Exam staff are being trained on correct procedure.

X. APPEALS

- **Finding:** SPB received several appeals alleging their written test was scored incorrectly for the SSM I exam. Of the three appellants, one who failed should have passed; however, the other two still failed. This indicates some answer sheets were scored correctly, while others were not. SPB assessed the electronic scoring key for this exam and it was correct. These errors occurred because of an incorrect past point keyed into exam control. **(FATAL FLAW)**

Department's Response: In future exam administrations, exam staff will obtain SPB concurrence prior to changing the pass point.

- **Finding:** SPB received several appeals regarding unclear instructions, disruption before commencement of the written test, and whether or not the candidates had to take the test. This was verified by the proctors reports.

Department's Response: Reviewer found four appeals that included complaints about proctor instructions, and one appeal concerning a disruption. Proctors' instructions, which were read to the exam candidates, provided the opportunity to ask questions regarding the instructions. One proctor report noted, "Questions were asked if they had to take the exam again if they are on the list." There was no indication on this report that the proctor had difficulty answering the question. To ensure that proctors are responding appropriately to unusual occurrences and questions, proctors are being instructed to complete Proctor Reports with

details regarding incidents and how unusual questions were answered.

SPB's Response: The department should provide training to proctors on how to handle unexpected situations (i.e., what to do if a page is missing from a booklet, how to handle a candidate requesting reasonable accommodations, etc.), not just how to document.

- **Finding:** SPB received appeals regarding inappropriate determination of MQs. However, these appear to have been done correctly for this administration, but complaints indicate these were done incorrectly in the past (candidates whose applications were rejected this administration were accepted for the last administration).

Department's Response: Fourteen appeals were provided to the Department by SPB for both the SSM I and SSM II exams. There were approximately 532 SSM I and 432 SSM II candidates tested, a total of 964 candidates. Two of the 964 candidates for the SSM I and II exams filed appeals claiming minimum qualification determinations.

XI. OVERALL ISSUES/CONCERNS

- **Finding:** The total scoring of these examinations needs to be assessed.

Department's Response: The Department has met with SPB Exam Unit staff and agrees that the total scoring needs to be assessed. For future exam administrations, processes are being implemented to ensure accurate scoring of answer sheets.

- **Finding:** There have been allegations of possible retaliation against the employee who had questioned why she had not received her examination results through a second party, who in turn, reported this to SPB. At the point SPB made an inquiry into this candidate's records, the department was made aware of the candidate's name, which was prior to the actions taken against this employee. This employee has had a job reassignment and was placed on administrative time off after SPB was informed of the discrepancy. To further compound this problem, this employee's answer sheet was lost, although she did appear and took the test as verified by her signed notice to appear for the written test.

Department's Response: There was no retaliation. The review of the documentation shows that the program requested an operational transfer of the employee the week of February 22, 2006. Subsequent to this request, SPB notified the Department on March 3, 2006, of the need to freeze the SSM I and SSM II eligible lists.

- **Finding:** During the audit of these examinations, SPB has found candidates that are unaccounted. There is an answer sheet for her (obviously took exam); she appears on the error listing as being made inactive by the department in order to clear the error (inappropriate); she was not rescheduled; her answer sheet was not scored; she has no results; and she does not appear on the list. No resolution to this candidate. **(FATAL FLAW)**

Department's Response: The identified candidate applied for SSM I and SSM II exams using one application. Candidate then emailed the analyst on July 28, 2005 stating, "I will probably only take the SSM I test", withdrawing from the SSM II. However, technician scheduled candidate for both SSM I and SSM II. Candidate appeared for exam, and only completed the SSM I by choice. Exam staff are being trained on proper audit procedures to ensure that all applications, candidates, and answer sheets are accounted for prior to establishing a list.

INTRODUCTION OF DIRECTIVES

The examination audit was conducted by State Personnel Board staff to assess the extent to which the California Department of Transportation conformed to state laws, regulations, and merit principles in the administration of the Staff Services Manager I and II (Supervisory) examinations. What follows is the directive set forth in this report.

Directives:

The State Personnel Board's Merit Employment and Technical Resources Division shall review and approve each step of any Staff Services Manager I and Staff Services Manager II examinations given by the Department of Transportation for a period of two years to ensure the Department of Transportation's examinations and selections are administered in accordance with the merit principle. During this time period, the SPB staff shall provide technical guidance, and/or oversight as needed.