

(Conference Version)

**Selection by
Non-psychometricians:
An Actual, Absurd Case Study**

Joel P. Wiesen, Ph.D.

Contact: [**jpw@jpwphd.com**](mailto:jpw@jpwphd.com)

2021 Annual IPAC Conference
Presented Virtually; 7/28/2021

Print and Audio Links

- PowerPoints
- Audio recording (yet to be posted)
- **<http://jpwphd.com/ipac2021>**

A Few Takeaways

- Need for clear grading standard not obvious
 - Even to bright, well-intentioned people
- Courts can be defenders of civil service law
- Some managers trust their gut too much
- Even excellent merit systems are in peril

My Sister's Accounting Firm

- Extremely bright
- Hires accountants occasionally
- Gave each applicant a job simulation
 - A knotty problem from that day or week
- “Did you ever think of giving all applicants the same problem”?
 - She did not think of using the same task for all

Connecticut State Police Sergeant

- One case in the life of a testifying expert
- CT civil service is administered by DAS
 - Department of Administrative Services
- DAS provides eligible lists to agencies
- State Police Sergeant promotional exam

Two Phase Process

- DAS conducted an “exam”
- CSP conducted its own assessment process
 - Connecticut State Police
- Both phases were curious

Source Material for This Talk

- Court Protective Order
- Protects questions, grading system, grades
- What is left for me to talk about?
 - Testimony in open court?
 - Published court decision!
 - On the web

Source Material

- <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=19330355>
 - All federal and many state cases on web
 - Great federal site: pacer.gov
- Conn State Police Union, Inc., et al. v Rovella, et al.
 - These slides are mainly quotes or paraphrases

Phase One: DAS Exam

- 9/24/2019 exam announcement for Sgt.
 - M/C job knowledge exam
 - Developed by CPS (Cooperative Personnel Services)
 - CPS surveyed 150+ current State Police Sergeants
 - 2 rounds of written questions
 - Resume evaluation
 - Oral interview

Phase One: DAS Exam

- 10/2/2019 revised exam notice
 - Dropped M/C test
 - Exam would be Pass/Fail only, based on:
 - Years in lower rank
 - Driver's license
 - Willingness to work full time
 - Willingness to work any shift

Recap So Far

- Hired a consulting firm to develop a M/C test
- Announce exam with a M/C test
- 9 days later, omit the M/C test
 - No replacement or similar measure of job knowledge.
- Whole exam is based on Minimum Quals

Comments on Recap

- Abandoned M/C exam after announcing it
- Reasons?
 - No staff to administer M/C exam
 - On line testing had no security provisions
 - Would take calendar time
- Connecticut abandoning all assembled exams
- Certified Sgt list with 297 names, all tied

Phase Two

- Conn State Police (CSP) to administer
 - 2 rounds of “Referral Questions”, P/F
 - Evaluation of education and experience, P/F
 - Oral interview, as basis for ranking

Phase Two: Referral Questions 1

- Education
- Military status and experience
- Years with CSP
- Assignment to a specialty unit
- Exp. in non-CSP law enforcement
- Possession of any professional license
- All scored (e.g., max of 15 pts for education)

Phase Two: Referral Questions 1

- Scored Pass-Fail based on # of points

Phase Two: Referral Questions 2

- Describe experience in these 3 areas:
- Administrative
- Investigative
- Specialized training skills
- 5 point maximum for each area

Phase Two: Referral Questions 2

- Evaluated by a panel of 3
- Scored Pass-Fail based on total # of points
- 9 points needed to pass
- People who scored 8 had their scores reviewed
 - Some scores went up on review

Judge on RQ 2

- No record of 8 point candidates reviewed
- No record of why some scores were raised
- Not scored blind: Panel saw names
- Scoring was done by a 3 person panel but no individual ratings, just consensus

Phase Two: Resume Evaluation

- “Personal profiles” evaluated
- Panel rated resumes

Judge on Resume Evaluation

- Criteria for review not described in writing
- Criteria seem to be left to raters' discretion
- Some info from the resume was included in the documentation of reasons for selections but with no standard for what would be included

Phase Two: Oral Exam

- Ranking of candidates based on Oral Exam
- 3 situational questions
- 2 minute time limit for each question
- Scored by Colonel and 2 Lieut. Colonels

Judge on Oral Exam

- No numeric scores or points
- No written scoring
- No predetermined standards or values
- No notes by raters were preserved
- Interviews over 5 days, with same questions

Judge on Oral Exam

- Original rating categories
 - Highly recommended
 - Recommended
 - Do not recommend
- Categories expanded to:
 - high end of high
 - low end of high

Judge on Oral Exam

- No original ratings were preserved
- Rater comments recorded by an admin person
- Documentation of ratings included
 - Name, race, gender
 - Recommendation (rater evaluation)
 - Comments dictated by raters

Judge on Oral Exam

- 27 rated “very highly recommended”
- 27 job openings
- Agreement curious

Judge on Oral Exam

- Evaluation areas/reasons, per testimony:
- Presented properly
- Appearance
- Calm and professional demeanor
- Spoke with a reasonable tone of voice

Judge on Oral Exam

- NO evaluation of the content of the answers
- NO checklist for content
 - Raters did comment on content
- Sometimes manner of response was more important than content

Reasons for Selection

- Narrative comments for each applicant
- Comments were dictated by raters at orals

Judge on Reasons

- Two versions of documentation of ratings
 - Two weeks apart
- Initial: All comments dictated by raters
- Final: Following review by EEO
- Some comments were removed that were inconsistent with the rankings
- Some comments were added to support ranking of seemingly similar candidates

Judge on Changes to Reasons

- The reference to “**some misinformation**” changed to “inclusive content and rationale and **logical approach to all scenarios**” for a candidate slated to be promoted
- Disappearance of negative comments about the responses of two other candidates slated to be promoted

CSP View of Documentation

- Judge quoted the Colonel as saying it was the ranking that was important to him, not the documentation.

Court Decision

- List of 297 tied candidates does not satisfy CS law “to identify those applicants most qualified”
- The screening process conducted by the CT State Police were held to be CS exams

Court Decision

- The CSP process did not comport with the law: “A test or examination ... must **employ an objective standard or measure**”.
- Competitive requires a process that is objective enough that it can be challenged and reviewed.
- **Ordered CSP to use an objective, competitive exam for promotions**

CSP Defense Rejected

- CSP argued that practical exigencies precluded a longer, better exam:
Paying overtime for Sgts. was breaking the budget
- Court said CS law more important than budgetary constraints of agency

Tip of the Iceberg

- I could not describe the most egregious errors due to the restrictions of the court-issued protective order concerning the exam questions and scoring keys.

Some Takeaways

- Merit principles are at risk
 - Both benign and intentional violations
- Appreciation for merit system sometimes is low
 - Managers trust their gut more than a structured process

Some Takeaways

- Managers trust their long experience with subordinates more than CS exams
- Managers have goals that differ from merit system (e.g., affirmative action)
- There is danger in allowing agencies free rein to design merit promotion processes.

Some Takeaways

- Most managers have never heard of the UGESP, SIOP *Principles*, Joint *Standards*, federal *Merit System Principles*, or the *Guidelines and Ethical Considerations for Assessment Center Operations*.

Sad Demise of CT CS Examining

- CT was once a jewel of CS examining
- Bruce Davey was one of the early bedrocks of IPMAAC, predecessor of IPAC
- Brilliant examiner
 - Built a superlative examining program
- Now CT abandoned all CS examining
 - All who meet minimum quals are certified
 - Confirmed by search today of DAS website

Some Takeaways

- In favor of DAS plan:
 - No exam backlog! No provisionals!
 - All based on interviews, so no adverse impact!
 - Save salaries of exam development staff
 - Save salaries of exam administration staff
 - Save salaries of grading exams
 - Save salaries on other administrative functions

My Thanks to IPAC

- Professional support group
- Source of valuable information
- Many professionally generous colleagues

Q&As

- Feel free to contact me at any time about this topic or other assessment topics
 - (617) 244-8859
 - jpw@jpwphd.com

References

- American Educational Research Association, American Psychological Association, and National Council on Measurement in Education (2014). *Standards for Educational and Psychological Testing*.

References

- International Taskforce on Assessment Center Guidelines. (2015). Guidelines and Ethical Considerations for Assessment Center Operations. *Journal of Management*, *41*, 1244–1273.

References

- SIOP (2018) *Principles for the Validation and Use of Personnel Selection Procedures*.
- US MSPB (undated) *Merit System Principles* (5USC§2300).
<https://www.mspb.gov/msp/meritsystemsprinciples.htm>