

STATE OF NEW JERSEY

In the Matter of Gabriele Spallacci, et al.

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket Nos. 2024-916, et al.

Court Remand

ISSUED: January 17, 2024

The Superior Court of New Jersey, Appellate Division, has reversed and remanded the decision of the Civil Service Commission (Commission) in In the Matter of Melvin Jumper, et al., Police Sergeant (various jurisdictions) (CSC, decided March 24, 2021) and remanded In the Matter of Gabriele Spallacci, et al., Docket No. A-2369-2 (App. Div. August 7, 2023), for further proceedings. The court did not retain jurisdiction. Copies of these matters are attached and incorporated herein.

By way of background, as discussed in In the Matter of Melvin Jumper, et al., supra, in pertinent part, the subject two-part examination, which was administered on February 23, 2018, consisted of a video-based portion, items 1 through 21, and a multiple-choice portion, items 22 through 85. For the video portion, candidates were provided with 35 minutes and candidates were provided with one hour and 40 minutes to complete the multiple-choice portion. The test was worth 80 percent of the final average and seniority was worth the remaining 20 percent. Candidates for the subject test were provided with two opportunities for review: 1) candidates were permitted to review keyed test booklets (test booklet review); and 2) candidates were permitted to inspect their answer sheets and compare them to the keyed answer sheet (answer sheet review). See N.J.A.C. 3A:4-6.4(a). During answer sheet review candidates were provided with the opportunity to review their answer sheet, the scoring key and an individualized scoring report. The copy of the scoring key provided at review did not provide responses for items 76 through 85. As a result, candidates were not able to compare their responses on their answer sheet to the key for these items. Furthermore, it was at this time that candidates first became aware that the last 10 items were omitted from scoring. Candidates who inquired as to why the items were omitted were informed that the items were removed after a statistical analysis was conducted on how the items performed for the entire population. As noted, in part, by the Commission:

The Division of [Test Development and Administration (TDA)]¹ conducted several analyses which included an analysis of the individual items in the examination, as well as an analysis of the performance of subtests and of the entire test. As a result, TDA determined that as the subject test progressed, the number of candidates who did not provide responses to items increased. In addition, as part of the analyses noted above, TDA conducted an adverse impact analysis.² TDA's review found that the last ten questions presented evidence of adverse impact in that there was a disparity between the performance of minority candidates as compared to the performance of non-minority candidates. As a result, TDA determined to omit the last ten items from scoring. Furthermore, TDA determined that the omission of these 10 items did not render the subject test invalid in that sufficient KSAs were tested in the remainder of the test.

Thereafter, Gabriele Spallacci, Victor Lora, Novar Vidal,³ Lillian Sanchez, Juan Garcia,⁴ Pedro Borerro, Robert Klein, Juan Cosme, Felipe Diaz, Jose Castellanos, Marquis Brock, Mohamad Diabate, Angel Pared, Valeria Sanchez-Bermudez, and Isabel Reyes, represented by Albert J. Seibert, Esq., pursued an appeal with the Appellate Division in which they claimed, in part, that the omission of the last 10 items was arbitrary and capricious, "adversely impact[ing] the examinees who followed the instructions, managed their time properly, and completed the exam in the allotted time."

Upon its review, the court, in *In the Matter of Gabriele Spallacci, et al., supra*, noted that during the pendency of this matter, "the Commission provided raw data consisting of several spreadsheets, outlining the 2019 exam and previous

¹ TDA is now the Division of Test Development, Analytics and Administration (TDAA).

² The U.S. Equal Employment Opportunity Commission (EEOC) defines adverse impact as "a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group." *See* 29 *CFR* §1607.16. In this regard, Title VII of the Civil Rights Act of 1964 (*see* 42 *U.S.C.* §2000e *et seq.*) prohibits the use of discriminatory employment tests and selection procedures. Furthermore, Title VII prohibits the use of neutral test or selection procedures that have the effect of disproportionately excluding individuals based on race, color, religion, sex or national origin. In 1978, the EEOC adopted the Uniform Guidelines on Employee Selection Procedure under Title VII (*see* 29 *CFR* Part 1607), which provides guidance to employers on how to determine whether their tests and selection procedures are lawful. *See* <https://www.eeoc.gov/laws/guidance/employment-test-and-selection-procedures>. One of the measures of adverse impact utilized by the Uniform Guidelines is the Four-Fifths Rule which is "... a selection rate for any race, sex or ethnic group which is less than four-fifths (4/5ths) or eighty percent (80%) of the selection rate for the group with the highest rate as a substantially different rate of selection." *See* Questions and Answers to Clarify and Provide a Common Interpretation of the Uniform Guidelines on Employee Selection Procedures, 44 *FR* 11998 (March 2, 1979). *See also*, <https://www.eeoc.gov/laws/guidance/questions-and-answers-clarify-and-provide-common-interpretation-uniform-guidelines>.

³ A review of available records finds that Mr. Vidal retired effective August 1, 2023.

⁴ A review of available records finds that Mr. Garcia retired effective February 1, 2021.

examination scores. These spreadsheets included, but were not limited to, mean scores for male candidates versus female candidates, as well as score breakdowns across different ethnicities. Petitioners stress the raw data has no corresponding explanation, analysis, or interpretation enabling them to understand, and in turn, challenge the Commission's final agency decision." The court determined that "the raw data [provided by the Commission] affords neither petitioners nor us the ability to consider if scoring the final ten exam questions disparately impacted racial minorities, or whether, as petitioners suggest, the remedy adopted by the Commission unwittingly amplified rather than ameliorated the purported disparate impact it sought to correct." As such, the court ordered the Commission to provide, within 60 days of its decision, the petitioners with "an explanation and interpretation of how the raw data demonstrates racial minorities were adversely impacted, in violation of the consent decree and existing law, if the last ten questions were scored." The court further provided that "the petitioners may renew their challenge to the Commission's scoring in accordance with the agency's guidelines. The Commission must then issue another final agency decision within ninety days of the renewed challenge."

In a letter dated October 4, 2023, TDAA provided the petitioners with an explanation in accordance with the court's order as noted above. Specifically, TDAA indicated that pursuant to the Consent Decree, the Commission, in collaboration with a United States Department of Justice consultant, devised a test plan and scoring model that would attempt to reduce adverse impact on minority groups. In this regard, TDAA indicated that the Commission utilized various exam and item analysis methods to identify items influencing adverse impact and reduce it where possible. TDAA noted that the last 10 items were omitted by candidates at a rate that was higher than other subtests in the examination. TDAA explained that typically less than 1% of the testing population omits an item but for the subject exam, between 18% to 28% omitted the last 10 items. Further, the percentage of omitted items was higher among minority candidates (Black and Hispanic) as compared to non-minority candidates (White) which resulted in an increased adverse impact on minority candidates. TDAA provided the adverse impact rates for minority groups with respect to the last 10 items and explained how these rates were calculated. TDAA also indicated that additional adverse impact analysis was conducted and explained the methodology that was utilized. TDAA explained that the results of this analysis indicated that by eliminating the last 10 items, adverse impact was reduced for minority candidates. TDAA further explained that each exam item is intended to measure a particular knowledge, skill or ability (KSA) as defined in the job analysis and test plan. However, for the last 10 items of the subject test, analysis indicated that candidates may have been simply randomly guessing responses. In other words, TDAA indicated that these items were not performing the purpose of assessing the intended KSA. TDAA concluded that after conducting analyses in which the last 10 items were included versus omitting them from scoring, it was evident that removing these items improved the outcome for minority candidates.

In response, in a letter dated October 24, 2023, the petitioners present:

At the outset, the CSC argues that the raw data demonstrates that racial minorities were adversely impacted on the subject examination in violation of the [C]onsent [D]ecree. However, as argued in our Appellate Brief and explicitly stated in the Consent Decree itself, as well as the March 29, 2021 Final Administrative Action of the CSC[, *i.e.*, *In the Matter of Melvin Jumper, et al., supra*,] that is the subject of this dispute, the Consent Decree expired . . . following the second administrations of the police sergeant exam following entry of the Consent Decree . . . It is undisputed that the second administration of the exam occurred on January 16, 2016. As such, the Consent Decree was expired on that date pursuant to its own express terms and the CSC cannot now use the Consent Decree as justification for removal of the final ten questions of the subject examination, which is in direct contradiction with its own instructions provided to the examinees.

The petitioners maintain that “in an attempt to ameliorate the alleged adverse impact on minority examinees, the CSC apparently decided to simply eliminate the final ten items from scoring” but “it is unknown whether the CSC explored any other potential remedies that would have accomplished its goal while still being in compliance with the instructions provided to the examinees before the examination. If so, none of this information was provided.” The petitioners add that the “CSC does not indicate whether the 4/5 Rule was applied and/or violated in the three administrations of the [sergeant] examination prior to the February 23, 2019 administration . . . Accordingly, it is respectfully requested that the CSC provide additional information on the analyses of the other examination results.” The petitioners assert that “there remains a number of unexplained issues and data, as well as certain analyses that are referenced but were not provided.” In this regard, the petitioners argue that the October 4, 2023 letter “did not define or indicate what the other subtests in the examination consisted of and did not provide any analysis as to the number of items omitted or answered incorrectly by the examinees in these other undefined subtests.” The petitioners contend that while “the CSC indicates that individual item analysis was conducted on each of the last ten items on the examination . . . the CSC failed to provide the individual item analysis for each item of the entire examination . . . In other words, no explanation has been provided by the CSC for why the decision was made to eliminate the final ten questions of the examination and why those items specifically had an adverse impact, as opposed to another set of ten questions of the examination, whether consecutive or otherwise.” The petitioners further contend that the decision in *In the Matter of Melvin Jumper, et al., supra*, indicates that TDA “performed analyses ‘of the individual items in the examination, as well as an analysis of the performance of subtest and the entire test’ after each of the four administrations of the exam. None of these critical analyses were provided by the CSC. Accordingly, the subject officers hereby request copies of the same.” The petitioners further assert that “the CSC did not provide any information regarding this supposed ‘additional adverse impact analysis’ or the underlying data . . . [T]he CSC did not identify or set forth what comprises these

subtests or information as to how the questions were weighted. Moreover, no information was supplied as to how these subtests were scored or 'weighted,' nor were the examinees' results on the 'subtests' provided. The CSC also provided no information as to the referenced 'job analysis and test plan.'" The petitioners contend that the CSC only offered "several conclusory statements and refers to and relies upon analyses that were not provided" regarding how the passing point for the subject test was established. The petitioners claim that:

[T]he October 4, 2023 correspondence was the first mention of a job analysis and test plan, and the same has not been provided by the CSC. However, the CSC claims that an analysis showed 'that it could not be said that [the final ten questions] were effectively measuring the intended KSA.' It must be again noted that this was the fourth administration of the subject examination and this issue, to the subject officers' knowledge, had never been raised in any of those prior administrations. In any event, this is yet another conclusory statement made by the CSC without any explanation as to how or why just the final ten question of the examination so happen to not properly test the examinees' KSAs.

The petitioners note that "what is particularly troubling is that thirteen out of the fifteen officers in this matter are minorities and the elimination of the final ten questions adversely impacted these officers, the exact group of people that the CSC is purportedly attempting to protect by eliminating the final ten questions." The petitioners conclude that the October 4, 2023 letter, "still falls short. There are 'further' and 'additional' analyses referenced throughout the correspondence that are not provided or fully explained. The CSC also references 'subtest' on the examination, but little to [sic] information regarding same was provided. As a final note, [the Commission's determination in in *In the Matter of Melvin Jumper, et al.*] refers to 'correspondences and communications between the parties and their test developers, consultants, and/or experts' that the CSC has deemed confidential in nature. We submit that given the nature of the within challenge of the subject examination, these correspondences and communications are germane and should be provided as well."

CONCLUSION

The petitioners' argument that the Commission "cannot now use the Consent Decree as justification for removal of the final ten questions of the subject examination," is misplaced. Regardless as to whether the Consent Decree had expired, the Commission is still required to ensure that examinations are designed to eliminate adverse impact on racial minorities. As such, while the petitioners are correct that the Consent Decree was expired by the fourth administration,⁵ it does not follow that the Commission is relieved of ensuring that its examinations do not adversely impact racial minorities. Rather, if such adverse impact is identified, it must be remedied, as it was in this matter and as explained initially in the Commission's decision in *In the Matter of Melvin Jumper, et al., supra*, and further in this matter pursuant to TDAA's October 4, 2023, letter.

Regarding the petitioners' requests for information regarding the prior three administrations of the Police Sergeant examination and for the "correspondences and communications between the parties and their test developers, consultants, and/or experts," which would only be applicable to the first two administrations,⁶ the Appellate Division, as noted above, specifically ordered the Commission to provide "an explanation and interpretation of how the raw data demonstrates racial minorities were adversely impacted, in violation of the consent decree and existing law, if the last ten questions were scored." Based on TDAA's letter, the Commission has complied with this directive. Thus, the petitioners' requests fall outside the scope of the Appellate Division's order.

A thorough review of the record finds that information provided by TDAA in its letter dated October 4, 2023 provided the petitioners with "an explanation and

⁵ However, while the Commission was not bound by the Consent Decree in terms of test development in conjunction with Department of Justice as in the first two administrations, it was required to provide the examination data to the Department of Justice for the third and fourth administrations as indicated in Paragraph 82 of the Second Amended Consent Decree.

⁶ As indicated in *In the Matter of Melvin Jumper, et al., supra*, "correspondences and communications between the parties and their test developers, consultants, and/or experts" is taken from Paragraph 81 of the Second Amended Consent Decree. Paragraph 81 specifically provides:

Due to the importance of test security, along with concerns about the proprietary nature of test development materials, all correspondence and communications between and among the Parties and their test developers, consultants and/or experts in connection with the performance of the obligations set forth in Paragraphs 77 through 80 shall be held confidential and shall not be disclosed to any third party in the absence of a court order compelling such disclosure.

Paragraphs 77 through 80 refer to the first and second administrations. As explained in *In the Matter of Melvin Jumper, et al., supra*, the February 23, 2019 administration of the Police Sergeant examination was the fourth administration subsequent to the Second Amended Consent Decree. Moreover, as noted above, the Appellate Division did not order the Commission to provide information from the prior administrations of the Police Sergeant exam, including any "correspondences and communications between the parties and their test developers, consultants, and/or experts."


interpretation of how the raw data demonstrates racial minorities were adversely impacted, in violation of the consent decree and existing law, if the last ten questions were scored,” in accordance with the Appellate Division order, as noted above. Accordingly, the Commission finds that there was sufficient basis to omit the last 10 items from scoring as these items demonstrated adverse impact on minorities.

ORDER

The Commission finds that the elimination of the final 10 questions from scoring for the subject examination was justified.

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 17TH DAY OF JANUARY, 2024



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**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2369-20**

**GABRIELE SPALLACCI, VICTOR
LORA, NOVAR VIDAL, LILLIAN
SANCHEZ, JUAN GARCIA,
PEDRO BORERRO, ROBERT
KLEIN, JUAN COSME, FELIPE
DIAZ, JOSE CASTELLANOS,
MARQUIS BROCK, MOHAMAD
DIABATE, ANGEL PARED,
VALERIA SANCHEZ-BERMUDEZ,
and ISABEL REYES,¹**

Petitioners-Appellants,

v.

CIVIL SERVICE COMMISSION,

Defendant-Respondent.

Submitted May 9, 2023 – Decided August 7, 2023

Before Judges Sumners and Susswein.

**On appeal from the New Jersey Civil Service
Commission, Docket Nos. 2020-1895, 2020-1897,**

¹ Gabriele Spallacci improperly plead as Gabriel Spallacci and Valeria Sanchez-Bermudez improperly plead as Valeria Sanchez.

2020-1898, 2020-1899, 2020-1901, 2020-1902, 2020-1903, 2020-1904, 2020-1905, 2020-1936, 2020-1993, 2020-1994, 2020-1995, 2020-1996, and 2020-2330.

Law Offices of Steven A. Varano, PC, attorneys for appellants (Albert J. Seibert, on the briefs).

Matthew J. Platkin, Attorney General, attorney for respondent (Melissa H. Raksa, Assistant Attorney General, of counsel; Craig S. Keiser, Deputy Attorney General, on the brief).

PER CURIAM

In February 2019, fifteen petitioners—Gabriele Spallacci, Victor Lora, Novar Vidal, Lillian Sanchez, Juan Garcia, Pedro Borerro, Robert Klein, Juan Cosme, Felipe Diaz, Jose Castellanos, Marquis Brock, Mohamad Diabate, Angel Pared, Valeria Sanchez-Bermudez, and Isabel Reyes—took the police sergeant exam administered by the New Jersey Civil Service Commission (Commission). After the exam, the Commission's Division of Test Development and Analytics (TDA) analyzed the examination's raw data results and recommended that, in accordance with a consent decree reached with the United States Department of Justice (DOJ),² the last ten questions should not be scored because they had a

² In 2010, the DOJ filed a complaint against New Jersey and the Commission, alleging "the selection process used to test and appoint candidates to Police Sergeant title between 2000 and 2008 had a disparate impact on African American and Hispanic candidates in violation of Title VII of the Civil Rights

disparate impact on the scores of racial minority candidates. The Commission agreed and released the scoring results, excluding the last ten questions.

Petitioners, thirteen of whom are racial minorities, challenged the validity of the exam's scoring. The Commission issued a final agency decision denying their challenge. Petitioners appeal, arguing the Commission's action was arbitrary and capricious, "adversely impact[ing] the examinees that followed the instructions, managed their time properly, and completed the exam in the allotted time."

We reverse and remand because the raw data supplied by the Commission to support its decision was indiscernible, lacking explanation and interpretation regarding the adverse impact on racial minorities by scoring the last ten exam questions. Remand shall be in accordance with procedure set forth below.

Act of 1964, 42 U.S.C. § 2000e to -17. See Complaint, United States v. State of New Jersey & New Jersey Civil Service Commission (D.N.J. Jan. 7, 2010). The matter was settled through a consent decree that the district court approved on June 12, 2012, which was affirmed by the Court of Appeals in 2013. United States v. New Jersey, No. 12-2964, 2013 U.S. App. LEXIS 11885 (3d Cir. 2013). The consent decree provided that the State, in consultation with the DOJ, would develop a new police sergeant examination and scoring process. The consent decree detailed when it would expire but the parties dispute whether it had occurred when the examination in question was administered. We need not resolve that disagreement due to the reasons for which we are remanding.

I.

Under the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, the Commission is delegated broad power over all aspects of the public employment career service. See Mullin v. Ringle, 27 N.J. 250, 256 (1958). The Commission is charged with announcing and administering examinations to test the knowledge, skills, and abilities (KSAs) required to satisfactorily perform job duties, N.J.S.A. 11A:4-1(a). The Commission also must establish jobs, set qualifications for those jobs, administer tests to fill those jobs, and oversee and administer the candidate selection process. N.J.S.A. 11A:4-8; N.J.A.C. 4A:3-3.1.

After entry of the consent decree in 2010 and prior to the 2019 police sergeant exam, the same exam at issue here was administered by the Commission on three occasions without the elimination of any questions. In its analysis of the 2019 police sergeant exam results, the TDA, used the Four-Fifths rule³ advocated by the United States Equal Employment Opportunity

³ The rule measures the adverse impact of tests, meaning the passing rate of any group must be at least four fifths of the rate of a race, sex, or ethnic group with the highest passing rate. Paradise v. Prescott, 580 F. Supp. 171, 172 (M.D. Ala. 1983), aff'd, United States v. Paradise, 480 U.S. 149, 185-86 (1987). "This '4/5ths' or '80%' rule of thumb is not intended as a legal definition, but is a

Commission. It determined fewer candidates were able to complete the questions toward the end of the exam, which disproportionately affected African Americans, thereby revealing a disparity in the performance of racial minority and non-racial minority candidates. Claiming compliance with the consent decree and existing law, the TDA recommended that omission of the final ten questions addresses the disparity and establishes adequate testing of the KSAs needed for the police sergeant title. The Commission agreed.

When petitioners learned the last ten questions of the exam were not scored, they appealed to the Commission, challenging the validity of scoring. After being advised when their appeal would be considered, petitioners requested to be heard and present evidence at a Commission meeting. The request was denied, but petitioners were advised there would be public comment at the meeting where they could address the Commission. However, for reasons unexplained in the record, public comment was not allowed.

II

Before us, petitioners contend the Commission did not provide any evidence supporting its conclusion that not scoring the final ten exam questions

practical means of keeping the attention of the enforcement agencies on serious discrepancies in rates of hiring, promotion and other selection decisions." 29 C.F.R. § 1607 (1979).

remedied the exam's disparate impact on racial minorities. The Commission provided raw data consisting of several spreadsheets, outlining the 2019 exam and previous examination scores. These spreadsheets included, but were not limited to, mean scores for male candidates versus female candidates, as well as score breakdowns across different ethnicities. Petitioners stress the raw data has no corresponding explanation, analysis, or interpretation enabling them to understand and, in turn, challenge the Commission's final agency decision. They further assert "it is incumbent upon [the Commission] to provide such analysis in order to enable the [c]ourt to conduct a "careful and principled consideration of the agency record" and to "facilitate judicial review." Chou v. Rutgers, The State Univ., 283 N.J. Super. 524, 539 (App. Div. 1995).

Petitioners contend they relied upon the instructions in the Multiple-Choice Exam Orientation Guide and the 2018-2019 Police Sergeant Orientation Guide (the Guides) provided by the Commission, which stated:

The scoring of the written examination will be based on the number of correct responses. There will be no penalties for wrong answers. That is, points will not be deducted for wrong answers. Therefore, it is in the candidate's best interest to answer all questions. If the answer to a question is not known, choose the BEST choice. Candidates should budget their time so that they can respond to all questions within the allotted time.

Therefore, in studying for and taking the exam, petitioners maintain they placed emphasis on time management and answering every question to ensure as many correct answers as possible in a timely manner. They argue:

The random and arbitrary decision to remove the final ten questions unfairly punished those who followed the instructions and budgeted their time and rewarded those who spent additional time to respond to the more difficult questions preceding the final ten, irrespective of whether they even finished the examination. This directly conflicts the instructions provided to the examinees that it was in their "best interest to answer all questions" and "to budget their time so that they can respond to all questions within the allotted time." . . . Due to the elimination of the final ten questions, this was clearly not the case.

Petitioners assert the Commission's reliance on the discretion ordinarily accorded to agency decisions and the consent decree is misplaced because it failed to address "the blatant conflict between their own instructions provided to the examinees to manage their time so as to complete the entire exam, and the ex post facto decision to eliminate the final ten questions of the examination." They argue further that the consent decree expired and the Commission's reliance on it "is an ineffective attempt to divert attention from the actual issues in this appeal."

Petitioners maintain the arbitrariness of the Commission's decision is reflected in the fact that the scores of thirteen petitioners—who are racial

minorities—would have been higher had the last ten exam questions been scored. Thus, the elimination of the final ten questions created, rather than eradicated, an adverse impact.

In sum, petitioners contend this court's nullification of the exam results is justified because they have "affirmatively shown that the examination was corrupt, arbitrary, capricious, or conspicuously unreasonable." See Rox v. Dep't of Civ. Serv., 141 N.J. Super. 463, 467 (App. Div. 1976).

III

Our review of a final agency decision is limited given their executive functions. Mazza v. Bd. of Trs., Police & Firemen's Ret. Sys., 143 N.J. 22, 25 (1995). Accordingly, "[a]n agency's determination on the merits 'will be sustained unless there is a clear showing that it is arbitrary, capricious, or unreasonable, or that it lacks fair support in the record.'" Saccone v. Bd. of Trs., Police & Firemen's Ret. Sys., 219 N.J. 369, 380 (2014) (quoting Russo v. Bd. of Trs., Police & Firemen's Ret. Sys., 206 N.J. 14, 27 (2011)). We generally limit our review to three inquires:

- (1) whether the agency's action violates express or implied legislative policies, that is, did the agency follow the law;

(2) whether the record contains substantial evidence to support the findings on which the agency based its action; and

(3) whether in applying the legislative policies to the facts, the agency clearly erred in reaching a conclusion that could not reasonably have been made on a showing of the relevant factors.

[Allstars Auto. Grp., Inc. v. N.J. Motor Vehicle Comm'n, 234 N.J. 150, 157 (2018) (quoting In re Stallworth, 208 N.J. 182, 194 (2011)).]

"When an agency's decision meets those criteria, then a court owes substantial deference to the agency's expertise and superior knowledge of a particular field."

In re Herrmann, 192 N.J. 19, 28 (2007).

The party challenging the administrative action bears the burden of showing the agency decision was arbitrary, capricious, unreasonable, or lacked fair support in the record. Lavezzi v. State, 219 N.J. 163, 171 (2014). However, where the information presented by an agency to support its decision does not allow the challenger or the court to adequately assess the decision, the agency—despite its expertise—must provide more specific information. See Balagun v. N.J. Dep't of Corr., 361 N.J. Super. 199, 203 (App. Div. 2003) (holding that in reviewing an agency decision, we "insist that the agency disclose its reasons for any decision, even those based upon expertise, so that a proper, searching, and careful review may be undertaken"). This so because our review is not designed

"to merely rubberstamp an agency's decision," but rather, "we are constrained 'to engage in a careful and principled consideration of the agency record and findings.'" Sullivan v. Bd. of Rev., Dep't of Labor, 471 N.J. Super. 147, 156 (App. Div. 2022) (quoting Figueroa v. N.J. Dep't of Corr., 414 N.J. Super. 186, 191 (App. Div. 2010)).

We dismiss the Commission's contention that petitioners have not taken steps to understand the raw data it provided to substantiate its final agency decision. The raw data affords neither petitioners nor us the ability to consider if scoring the final ten exam questions disparately impacted racial minorities, or whether, as petitioners suggest, the remedy adopted by the Commission unwittingly amplified rather than ameliorated the purported disparate impact it sought to correct. Under these circumstances, we cannot grant the Commission the deference we normally confer to an administrative agency. Accordingly, given the insufficient record before us, we do not pass judgment on whether the elimination of the ten questions was proper.

Remand is necessary for the Commission to provide an explanation and interpretation of how the raw data demonstrates the adverse impact on racial minorities by scoring the last ten exam questions. Within sixty days of this decision, the Commission must provide petitioners with an explanation and

interpretation of how the raw data demonstrates racial minorities were adversely impacted, in violation of the consent decree and existing law, if the last ten exam questions were scored. The petitioners may renew their challenge to the Commission's scoring in accordance with the agency's guidelines. The Commission must then issue another final agency decision within ninety days of the renewed challenge.

Reversed and remanded for proceedings consistent with this opinion. We do not retain jurisdiction.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION

STATE OF NEW JERSEY

In the Matter of Melvin Jumper, *et al.*, Police Sergeant, various jurisdictions

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket Nos. 2019-2249, *et al.*

Examination Appeal

ISSUED: March 29, 2021

Melvin Jumper (PM2519W), Ewing; Anthony Buono, Gregory Goncalves, Jacqueline Molina and Gabriel Rivera, represented by David Beckett, Esq., Racheda Allen, Ashley Arce, Tracie Ashford, Jorge Astuquilha, Michael Barreiro, Queen Bates, Ashley Bishop, Sabrina Brison, Shamayne Brown, Virgilio Cardona, Samouri Clegg, Larry Collins, Carlos Colon, Crystal Corbett, Melissa Corchado, Larry Davis, Paulette Dent, Sherri Dillard, Jamillah Ellis Damaris Febus, Javier Figueroa, Adolfo Furtado, Edgardo Gonzalez (2019-2417), Edgardo Gonzalez (2019-2449), Nicole Goodwin, Tonya Goulbourne, Darnell Graham, Natasha Green, Leonardo Guzman, Nassim Hamami, Alex Haralam, Tarik Haynes, Gilbert Hernandez, Antoinette Holland, Eleazar Irizarry, Jennifer Jeffra, Andy Jimenez, Maria Lebron, Melody Linton, Horacio Lorenzo, Ricardo Macieira, Elizabeth Malave, Peter Malave, Maria Malave-Mitti, Virginia Marrero, Douglas Marshall, Shukirra Marshall, Claudia Martinez, Brian McAdams, Sharice McClees, Lamar Melvin, Michael Noel, Jaret Perez, Elvin Polanco, Richard Ramdas, Shamar Reddick, Isabel Reyes, Teasla Reynolds, Tara Rich, Norman Richardson, Jesus Rivas, Arnaldo Rivera, Orlando Rivera, Veronica Rivera, Luz Romero, Jose Rosa, Osbaldo Rosa, Rafael Rosa, Rockean Sanders, Andy Santana, Luan Serrano, Karama Thomas, Taibu Thomas, Pedro Torres, Steven Vazquez, Emerson Verano, Anthony Wade, Victor Williams, Careem Yarborough and Latoya Young-Dunlap (PM2540W), Newark; Jeffrey Gennari (PM2541W), North Bergen; Phillip Calicchio, Priscilla Caraballo, Tyseme Holmes, Frank Lusk, Wilson Lazu, Richard M'Causland, Mahmoud Rabboh and Luis Torres

(PM2544W), Paterson; and Michael Wallace (PM2559W), Winslow; appeal the validity of the subject examination.¹

Joseph Cevallos, Salvatore Cordi and Jonathan Donker (PM2514W), Bloomfield; Marquis Brock, Juan Cosme, Mohamed Diabate, Angel Pared, Isabel Reyes and Valeria Sanchez-Bermudez, represented by Steven A. Varano, Esq., Quayshaun Brooks, Dennis Colon, Santos Duran and Emily Santiago (PM2540W), Newark; Pedro Borrero, Jose Castellanos, Felipe Diaz, Juan Garcia, Sebastian Gomez, Robert Klein, Victor Lora, Lillian Sanchez, Gabriele Spallacci, Novar Vidal, represented by Steven A. Varano, Esq., Anthony Castronova, William Herrmann and Salvatore Marotta (PM2544), Paterson; appeal the omission of the last 10 items from scoring.

These appeals have been consolidated due to common issues presented by the appellants.

By way of background, the subject two-part examination, which was administered on February 23, 2019, consisted of a video-based portion, items 1 through 21, and a multiple-choice portion, items 22 through 85. It is noted that for the video portion, candidates were provided with 35 minutes. However, it is further noted that candidates were instructed, “As the video progresses, questions will be presented for you to answer in the time provided. The questions will be clearly indicated as they appear on the screen and will be read aloud by the narrator on the video . . . Answer each question in the time provided. During the response time, the video will display a number which corresponds to the amount of response time remaining. If you have completed your response before the time for the question has expired, you may place your pencil on the desk and sit quietly while you wait for the scenario to continue.” Candidates were provided with one hour and 40 minutes to complete the multiple-choice portion. As noted in the 2018-2019 Police Sergeant Orientation Guide (Orientation Guide), which was available on the Civil Service Commission’s (Commission) website, the examination content was based on the most recent job analysis verification which includes descriptions of the duties performed by incumbents and identifies the knowledge, skill and abilities (KSAs) that are necessary to perform the duties of a Police Sergeant. As part of this verification process, information about the job was gathered through interviews and surveys of on-the-job activities of incumbent Police Sergeants throughout the State. As a result of this process, critical KSAs were identified and considered for inclusion on the exam. The test was worth 80 percent of the final average and seniority was worth the remaining 20 percent.

Candidates for the subject test were provided with two separate opportunities for review: 1) candidates were permitted to review keyed test booklets (test booklet review); and 2) candidates were permitted to inspect their answer sheets and compare

¹ It is noted that appeals regarding the test administration issues on the date of the examination will be addressed by the Commission in a separate decision at a subsequent meeting.

them to the keyed answer sheet (answer sheet review). *See N.J.A.C. 4A:4-6.4(a)*. It is noted that test booklet reviews were held on March 6, 7, 8 and 13, 2019. Appeals resulting from the test booklet reviews were addressed in *In the Matter of Gordon Harvey, et al., County Police Sergeant and Police Sergeant* (CSC, decided September 10, 2019).² Subsequently, on November 13, 2019, the subject lists were issued.³ Answer sheet reviews were scheduled from January 7 through 10, 2020. Candidates were provided with the opportunity to review their answer sheet, the scoring key and an individualized scoring report. The copy of the scoring key provided at review did not provide responses for items 76 through 85. As a result, candidates were not able to compare their responses on their answer sheet to the key for these items. Furthermore, it was at this time that candidates first became aware that the last 10 items were omitted from scoring. Candidates who inquired as to why the items were omitted were informed that the items were removed after a statistical analysis was conducted on how the items performed for the entire population.

With respect to test validity, appellants argue that adequate time was not provided to complete the test.⁴ In this regard, appellants present that “the fact patterns for case law [based questions] were extremely long extending to a page and a half to merely answer one question.” Appellants assert that the subject examination did not test their knowledge, skill and abilities but rather, tested their reading speed. In his submission dated March 15, 2019, Beckett specifically presents, in part, that the subject test “should be the second promotional examination that has been given under [the Second Amended Consent] Decree⁵ and so this examination is subject to paragraph 80 of the Second Amended Consent Decree and its myriad requirements.” In this regard, Beckett contends that the subject exam “appears to

² It is noted that subsequent to the decision in *In the Matter of Gordon Harvey, supra*, but prior to issuing the subject lists, TDA determined to omit the last 10 items from scoring.

³ The resultant eligible lists were made available on the Commission’s website and individual scoring notices were mailed to candidates. It is further noted that neither the website nor the scoring notices informed candidates of the omission of the last 10 items.

⁴ It is noted that the Commission reviewed each and every appeal. However, given that many of the appeals were identical, or nearly identical, and/or presented the same or similar issues, each individual appellant’s claims are not recounted herein.

⁵ It is noted that in January 2010, the United States Department of Justice (USDOJ) filed a complaint against the State of New Jersey and the Civil Service Commission (Commission), alleging that the selection process utilized by the State to test and appoint candidates to the Police Sergeant title between 2000 and 2008 had a disparate impact on African-American and Hispanic candidates in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*, as amended. During the pendency of this litigation, the parties agreed to the terms of a settlement which was formulated into a Consent Decree which the Court approved and entered as final on June 12, 2012. The terms of the Consent Decree provided, in pertinent part, that the State, in consultation with USDOJ, develop a new Police Sergeant examination and scoring process.

fall far short of their [*sic*] of the Second Amended Consent Decree. The test was not a proper measuring of skills and experienced [*sic*] needed to be a Sergeant. The time allotted for written answers was unilaterally restricted and there was no prior notice of these substantial alterations in the time that would be allotted.⁶ The test became a race to finish as opposed to a test that would actually determine someone's skills and experience to be a Sergeant." Beckett indicates that "we estimate that up to 50% of the candidates from the Newark and Paterson Police Departments were either unable to finish or had to blindly answer to finish. These are two of the jurisdictions that were at the heart of the Second Amended Consent Decree . . . All of this speaks strongly of a test that is neither appropriate nor a fair measurement of candidates. The appellants strongly question whether there was any pre-testing or pre-review of this examination by the Civil Service Commission or United States experts to properly evaluate how long an average test taker would need to complete the exam." In addition, Beckett requests "all information that was provided under Article [*sic*] 80, when it was provided to the United States experts, in what form and what and when the responses were." Beckett also requests that he be provided with "data from prior examinations showing how many officers in Paterson and Newark Police Departments completed that earlier examination." In support of the appeal, Beckett submits additional documentation including a certification from Gabriel Rivera dated September 19, 2019, in which Rivera indicates, in part, that he has taken prior Police Sergeant examinations and the subject test "was significantly different than the prior exam, which resulted for the first time in me being unable to finish a significant part of the test;" "you could not use any of the time allotted to the video for the written questions even though you had more than enough time for that part;" "we had less time to answer the written questions and yet that narratives for the written questions were longer than the prior exam with fewer questions per narrative;" "in the prior exam held in 2015-2016⁷ there was a video format part with a second written part . . . so it is not the format;" and a certification from Gregory Goncalves dated December 2, 2019 in which Goncalves maintains, in part, that "the combination of longer narratives, fewer questions per narrative, less time being allotted in total for answering written questions, and no ability to use leftover video part time, resulted in a test that was unfair and biased. This combination created a biased test favoring native English speakers."

Regarding the omission of the last 10 items, appellants inquire as to why these items were omitted and that "this decision was never publicized, nor was any pertaining information sent via email or regular mail." They maintain that they should not be "penalized for actually finishing the test and for being able to complete

⁶ Beckett maintains that "past written examinations allocated close to two hours and thirty minutes for written questions alone. The number of written questions in this current examination was only marginally reduced, and each test question, especially in those where legal issues were posed, took far longer than prior exam questions had ever taken, thus further reducing the allotted time."

⁷ It is noted that the prior examination for Police Sergeant (PM5107M), Newark, was administered on June 1, 2013.

all 85 questions in the time that was allotted.” Varano argues that “the elimination of the last ten (10) questions in the scoring of the results is completely arbitrary and adversely impacts the examinees that completed the exam in the allotted time. Moreover, it is contrary to the express instructions set forth in the CSC Multiple Choice Exam Orientation Guide . . . and the 2018-2019 Police Sergeant Orientation Guide . . . In the[se g]uides, examinees are repeatedly advised as to the importance of time management and to provide answers to each question.” Varano maintains that the candidates “studied for the exam and relied upon the instructions in the [g]uides when taking the exam. Specifically, [they] intentionally spent less time on questions [they] found more difficult so that [they] would have enough time to complete the entire exam, including the last ten questions. The elimination of the last ten questions in computing the scores penalizes examinees . . . who followed the CSC’s instructions provided in the [g]uides and ensured they managed their time properly to complete all the questions of the exam.” Varano further argues that “it is unclear at this time how the remainder of the test was scored and the weight given to each question. Specifically, it is unknown whether any other unanswered questions were graded as wrong answers or were eliminated as the last ten questions. If examinees skipped certain sets of questions, but completed the questions near the end, then the elimination of the questions near the end, would once again penalize examinees that followed the CSC instructions.” In addition, Varano requests the following: “1. A copy of the answer sheets . . . ; 2. A copy of the answer keys; 3. The criteria used to score the tests.”

CONCLUSION

In the present matter, it is noted that the February 23, 2019 administration of the Police Sergeant examination was the fourth administration subsequent to the Second Amended Consent Decree. Specifically, the first administration occurred on June 1, 2013; the second on January 16, 2016; the third on October 28, 2017; and the fourth on February 23, 2019. Thus, while the PM2540W examination is the second Police Sergeant examination administered to Newark,⁸ it is the fourth administration of the Police Sergeant examination overall. As such, Beckett’s assertion that the subject test is the second administration is incorrect. Accordingly, paragraph 80 does not govern the administration of the PM2540W test. Moreover, even if Beckett’s claim that the PM2540W exam was the second administration were correct, Paragraph 81 of the Second Amended Consent Decree provides:

Due to the importance of test security, along with concerns about the proprietary nature of test development materials, all correspondence and communications between and among the Parties and their test developers, consultants and/or experts in connection with the performance of the obligations set forth in Paragraphs 77 through 80

⁸ As noted previously, the Police Sergeant (PM5107M), Newark examination was the first administration pursuant to the Second Amended Consent decree.

shall be held confidential and shall not be disclosed to any third party in the absence of a court order compelling such disclosure.

Similarly, Beckett's request for information from the PM5107M examination cannot be granted pursuant to the provisions of Paragraph 81.

It is noted that in all four testing cycles, each examination consisted of a video-based portion and a multiple choice portion, which was clearly described in the respective Orientation Guides, in the "Exam Information" section, for each exam administration. It is further noted that the Division of Test Development and Analytics (TDA) was contacted regarding this matter and indicated that during the test development process, it determined that sufficient time had been allocated to complete the multiple-choice portion of the test.⁹ In this regard, although Beckett does not specify what he means by "pre-testing or pre-review," TDA indicated that Subject Matter Experts (SMEs) were asked to read and answer each item without the key being provided. SMEs then provide a difficulty rating for each item. In addition to importance and relevance ratings, difficulty ratings were considered in an attempt to balance, where possible, the overall difficulty level of the exams. Moreover, the length of examination time for all four examination cycles was based upon input from the SMEs.

After each administration in all four cycles, TDA conducted several analyses which included an analysis of the individual items in the examination, as well as an analysis of the performance of subtests and of the entire test. As a result, TDA determined that as the subject test progressed, the number of candidates who did not provide responses to items increased. In addition, as part of the analyses noted above, TDA conducted an adverse impact analysis.¹⁰ TDA's review found that the last ten

⁹ Although Beckett maintains, as noted above, that "past written examinations allocated close to two hours and thirty minutes for written questions alone," a review of the record finds that the PM5107M test allocated one hour and 35 minutes for the multiple choice section and, as noted previously, the subject test allocated one hour and 40 minutes.

¹⁰ The U.S. Equal Employment Opportunity Commission (EEOC) defines adverse impact as "a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group." See 29 CFR §1607.16. In this regard, Title VII of the Civil Rights Act of 1964 (see 42 U.S.C. §2000e *et seq.*) prohibits the use of discriminatory employment tests and selection procedures. Furthermore, Title VII prohibits the use of neutral test or selection procedures that have the effect of disproportionately excluding individuals based on race, color, religion, sex or national origin. In 1978, the EEOC adopted the Uniform Guidelines on Employee Selection Procedure under Title VII (see 29 CFR Part 1607), which provides guidance to employers on how to determine whether their tests and selection procedures are lawful. See <https://www.eeoc.gov/laws/guidance/employment-test-and-selection-procedures>. One of the measures of adverse impact utilized by the Uniform Guidelines is the Four-Fifths Rule which is "... a selection rate for any race, sex or ethnic group which is less than four-fifths (4/5ths) or eighty percent (80%) of the selection rate for the group with the highest rate as a substantially different rate of selection." See Questions and Answers to Clarify and Provide a Common Interpretation of the Uniform

questions presented evidence of adverse impact in that there was a disparity between the performance of minority candidates as compared to the performance of non-minority candidates. As a result, TDA determined to omit the last ten items from scoring. Furthermore, TDA determined that the omission of these 10 items did not render the subject test invalid in that sufficient KSAs were tested in the remainder of the test.

With regard to the scoring of the test and Varano's requests for additional information, as noted previously, candidates were provided with the opportunity to review their answer sheets, the scoring key and an individualized scoring report. The scoring report provided candidates with a "step-by-step explanation of how [a candidate's] final test score was calculated." Furthermore, it is noted that authorized representatives, which include attorneys, union representatives or employers, may accompany candidates during the review process. Nevertheless, for informational purposes, it is noted that for each item on both the multiple-choice and video portion of the exam there was only one correct answer, and each correct answer was worth 1 point. Incorrect or omitted items were not awarded any credit. However, as thoroughly explained in the scoring report, several steps are necessary to calculate a candidate's final average in order "to account for the relative importance of the knowledge and ability areas tested and the different scoring/rating scales used throughout the test. The scoring process described here is typical for this type of testing procedure and conforms to professional standards developed by experts in this field. It is also used routinely for public safety promotional examinations administered throughout the country."

Accordingly, the appellants have failed to meet their burden of proof in this matter.

Guidelines on Employee Selection Procedures, 44 *FR* 11998 (March 2, 1979). *See also*, <https://www.eeoc.gov/laws/guidance/questions-and-answers-clarify-and-provide-common-interpretation-uniform-guidelines>.

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 24TH DAY OF MARCH, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries and Correspondence	Christopher S. Myers Director Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit P.O. Box 312 Trenton, New Jersey 08625-0312
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c:	Melvin Jumper (2019-2253)	Larry Davis (2019-2323)
	Anthony Buono (2019-2264)	Paulette Dent (2019-2434)
	Gregory Goncalves (2019-2363)	Sherri Dillard (2019-2413)
	Jacqueline Molina (2019-2277)	Jamillah Ellis (2019-2414)
	Gabriel Rivera (2019-2328)	Damaris Febus (2019-2415)
	Racheda Allen (2019-2405)	Javier Figueroa (2019-2416)
	Ashley Arce (2019-2258)	Adolfo Furtado (2019-2447)
	Tracie Ashford (2019-2445)	Edgardo Gonzalez (2019-2417)
	Jorge Astuquilha (2019-2406)	Edgardo Gonzalez (2019-2449)
	Michael Barreiro (2019-2407)	Nicole Goodwin (2019-2324)
	Queen Bates (2019-2330)	Tonya Goulbourne (2019-2418)
	Ashley Bishop (2019-2260)	Darnell Graham (2019-2495)
	Sabrina Brison (2019-2262)	Natasha Green (2019-2419)
	Shamayne Brown (2019-2408)	Leonardo Guzman (2019-2269)
	Virgilio Cardona (2019-2267)	Nassim Hamami (2019-2493)
	Samouri Clegg (2019-2410)	Alex Haralam (2019-2270)
	Larry Collins (2019-2411)	Tarik Haynes (2019-2271)
	Carlos Colon (2019-2412)	Gilbert Hernandez (2019-2420)
	Crystal Corbett (2019-2362)	Antoinette Holland (2019-2325)
	Melissa Corchado (2019-2494)	Eleazar Irizarry (2019-2421)

Jennifer Jeffra (2019-2272)
 Andy Jimenez (2019-2492)
 Maria Lebron (2019-2273)
 Melody Linton (2019-2451)
 Horacio Lorenzo (2019-2452)
 Ricardo Macieira (2019-2422)
 Elizabeth Malave (2019-2274)
 Peter Malave (2019-2454)
 Maria Malave-Mitti (2019-2423)
 Virginia Marrero (2019-2424)
 Douglas Marshall (2019-2455)
 Shukirra Marshall (2019-2456)
 Claudia Martinez (2019-2457)
 Brian McAdams, Sr. (2019-2425)
 Sharice McClees (2019-2426)
 Lamar Melvin (2019-2733)
 Michael Noel (2019-2427)
 Jaret Perez (2019-2428)
 Elvin Polanco (2019-2282)
 Richard Ramdas (2019-2429)
 Shamar Reddick (2019-2283)
 Isabel Reyes (2019-2364)
 Teasla Reynolds (2019-2285)
 Tara Rich (2019-2322)
 Norman Richardson (2019-2365)
 Jesus Rivas (2019-2430)
 Arnaldo Rivera (2019-2431)
 Orlando Rivera (2019-2286)
 Veronica Rivera (2019-2332)
 Luz Romero (2019-2366)
 Jose Rosa (2019-2432)
 Osbaldo Rosa (2019-2231)
 Rafael Rosa (2019-2288)
 Rockean Sanders (2019-2367)
 Andy Santana (2019-2321)
 Luan Serrano (2019-2368)
 Karama Thomas (2019-2433)
 Taibu Thomas (2019-2458)
 Pedro Torres (2019-2435)
 Steven Vazquez (2019-2354)
 Emerson Verano (2019-2369)
 Anthony Wade (2019-2436)
 Victor Williams (2019-2491)
 Careem Yarborough (2019-2459)

Latoya Young-Dunlap (2019-2292)
 Jeffrey Gennari (2019-2438)
 Phillip Calicchio (2019-2437)
 Priscilla Caraballo (2019-2299)
 Tyseme Holmes (2019-2304)
 Frank Lusk (2019-2106)
 Wilson Lazu (2019-2305)
 Richard M'Causland (2019-2307)
 Mahmoud Rabboh (2019-2370)
 Luis Torres (2019-2313)
 Michael Wallace (2019-2604)
 Joseph Cevallos (2020-1888)
 Salvatore Cordi (2020-1928)
 Jonathan Donker (2020-1940)
 Marquis Brock (2020-1936)
 Juan Cosme (2020-1993)
 Mohamed Diabate (2020-1996)
 Angel Pared (2020-1994)
 Isabel Reyes (2020-2330)
 Valeria Sanchez-Bermudez (2020-1995)
 Quayshaun Brooks (2020-1985)
 Dennis Colon (2020-1920)
 Santos Duran (2020-1942)
 Emily Santiago (2020-1922)
 Pedro Borrero, Jr (2020-1895)
 Jose Castellanos (2020-1897)
 Felipe Diaz (2020-1898)
 Juan Garcia, Jr. (2020-1899)
 Sebastian Gomez (2020-1900)
 Robert Klein, Jr. (2020-1901)
 Victor Lora (2020-1902)
 Lillian Sanchez (2020-1903)
 Gabriele Spallacci (2020-1904)
 Novar Vidal (2020-1905)
 Anthony Castronova (2020-1894)
 William Herrmann (2020-1880)
 Salvatore Marotta (2020-1997)
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