Work Simulations for Hearing Officers and Administrative Law Judges

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Objectives

- Define a written work simulation
- Why use a written work simulation for legal job titles?
- Sources for written work simulation development
- Two types used by PA for legal job classes
Objectives (continued)

- Test Administration Considerations
- Scoring the Examination
- Evaluating the Examination
- Advantages and Disadvantages
What is a Written Work Simulation?

- Reflects reality by presenting entry-level job situations
- Requires candidate to write responses demonstrating possession of KAs/Competencies
What is a Written Work Simulation? (continued)

- Includes work situations
- Might require a candidate to write a decision or prepare an adjudication
- Administered on computer or by paper
What is a Written Work Simulation? (Continued)

- Requires narrative response
- Scored by Human Raters using benchmarks/criteria
Job Analysis

- Legal classes studied:
  - Parole Hearing Officer
  - Attorney Examiner
  - Appeals Referee
  - Workers’ Compensation Judge
  - Administrative Law Judge
  - Welfare Hearings Officer
Job Analysis Findings

- Similar entry-level highly important Knowledges
  - K-1 Knowledge of the rules of evidence
  - K-2 Knowledge of the principles of procedures and evidence
  - K-3 Knowledge of the substantive areas of law
Job Analysis Findings

- Similar entry-level, highly-important Abilities
  - A-1 Ability to research, interpret and apply codes and related laws
  - A-2 Ability to arrive at appropriate findings of fact and sound decisions
  - A-3 Ability to communicate effectively in writing.
Why A Work Simulation?

- Expected Candidate Pool
- SME/Rater Availability
- Developmental Time
Why A Work Simulation?

- Sufficient test administration facilities
- Available technology
Written Work Simulation Development

- Sources of test material
  - SMEs
  - Previous Exam Program
  - Other legal exams
  - Laws, rules and regulations
Written Work Simulation Development

- Develop Exam Materials
  - Reference Materials
  - Suggested Responses
  - Rating Materials
TYPES OF WORK

SIMULATIONS

TESTS
Written Work Simulation Types

- Factor Based
  - Parole Hearing Officer
  - Administrative Law Judge

- Knowledge Based
  - Attorney Examiner 2
  - Appeals Referee
Factor Based

- **Judgment and Decision/Problem Solving**
  - K-1. A-1, A-2
- **Analytical Ability**
- **Written Communicative Ability**
  - A-3
Judgment and Decision/Problem Solving Ability -

Measures the ability to arrive at appropriate findings of fact; to provide logical, and thorough reasoning, etc.
Operational Definitions

- **Analytical Ability** -
  Measures the ability to analyze and appraise testimony, evidence, legal and administrative documents and to apply laws, regulations, etc.
Operational Definitions

- **Written Communicative Ability** -
  Measures the ability to express ideas clearly and concisely in written form using proper grammar, punctuation, sentence structure, tone and vocabulary.
Candidate is presented an exercise that evokes a response that will demonstrate one or more factors.

Questions can be open-ended or specifically focused, depending on need.

May include reference material.

Each factor is rated holistically.
Knowledge-Based Work Simulations

- Identify KAs that need to be measured
- Candidate is presented an exercise that evokes a response that will demonstrate a specific knowledge
- Computer administered essay exams or paper and pencil
- Response is narrative
Knowledge-Based Work Simulations (continued)

- May involve reference material
- Can be direct or hypothetical situation questions
- Usually one exercise to measure Written Communication
- Main difference* Each exercise rated separately - rater scored according to standard criteria*
Example: Open – Ended Question

CONFIDENTIAL EXAM INFORMATION

SEE SCREEN
Specific Question Example

CONFIDENTIAL EXAM INFORMATION

SEE SCREEN
Administering the Test
Test Administration

- Mock Candidate Try-out
  - Confidentiality important
  - Provides feedback
  - Helps with time determination
  - Readability
- Pre-test eligibility
Test Administration

- The role of the Proctor
  - Test Security/Verify ID
  - Troubleshooting technology
  - Material Distribution/Collection
  - Monitors the test room
Scoring Legal Work Simulations
Scoring

- Rating Considerations
  - Qualified Raters
  - Rater training
  - No candidate names on rater materials
Benchmark Considerations

- Have clearly defined benchmarks that are:
  - specific and objective
  - valid, fair and defensible
  - operationally defined with factors and levels of performance
Factor Definition

Analytical Ability

Ability to analyze and appraise testimony, evidence, legal and administrative documents/records to obtain a clear understanding of the issues and facts involved; ability to apply laws, regulations, policies and precedent decisions to arrive at an appropriate decision in the case.
Levels of Performance

- **Outstanding** - 4
  - Identified the issues and pertinent facts; apply the appropriate sections of law, regulations, etc

- **Well-Qualified** - 3
Levels of Performance

- **Qualified - 2**
  - Identified many of the major issues and a number of the pertinent facts, although some legitimate concerns were missed or irrelevant information was included, etc.
Levels of Performance

- Minimally-Qualified - 1
- Not Presently Suitable - 0
  - Unable to identify the issues and pertinent facts and/or apply the appropriate sections of laws, regulations, etc.
Benchmark Scoring

- Use Rating Forms
- Provide Clear Rating Instructions
- Support Evaluative Statements With Examples of Candidate Behavior
Evaluating Your Test

- Questions
- Raw Scores
- Inter-rater reliability
- Feedback
  - Raters
  - Candidates
Advantages

- Cost-effective administration
- High candidate acceptance
- Realistic job preview
- High content validity when linked to job study
- Highly adaptable to other job titles
- Limited cheating opportunities
Disadvantages

- Can be labor-intensive for both testing and client agencies
- Technology adaptations/limitations
- Examination Length
Issues/Clarifications
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