



STATE OF NEW JERSEY

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

In the Matter of Airan Fernandez,
Police Captain (PM1838W),
Linden

Examination Appeal

CSC Docket No. 2019-3383

ISSUED: September 12, 2019 (RE)

Airan Fernandez appeals his score on the oral portion of the promotional examination for Police Captain (PM1838W), Linden. It is noted that the appellant received a final average of 83.950 and ranks fourth on the resultant eligible list.

This was a two-part examination consisting of a multiple-choice portion and an oral portion, and seniority was scored as well. The test was worth 70 percent of the final average and seniority was worth the remaining 30 percent. Of the test weights, 51.7% of the score was the written multiple-choice portion, 32.4% was the technical component and 15.9% was the oral communication component. The examination content was based on a comprehensive job analysis. Senior command personnel from police departments, called Subject Matter Experts (SMEs), helped determine acceptable responses based upon the stimulus material presented to the candidates, and they scored the performances. In the oral portion of the examination, candidates were presented with a scenario. They were given thirty minutes to read the scenario and questions, and to decide how to answer. In the examination room, candidates were given instructions and read the questions, and then they were given fifteen minutes to give their response to all the questions.

Performances were audio and digitally recorded and scored by SMEs. Each performance was rated on a five-point scale, with 5 as the optimal response, in two components: (1) Oral Communication and (2) Technical Supervision/Problem Solving/Decision-Making. The appellant scored a 3 for the technical component, and a 5 for the oral communication component.

CONCLUSION

The scenario involved a possible domestic dispute incident between a Police Sergeant (Sergeant Adams) who reports to a Police Lieutenant (Lieutenant Jones) who reports to the candidate, and the Police Officer's girlfriend (Erica). The girlfriend inquired about a restraining order, then was reluctant to explain a black eye, but admitted that Adams had hit her the night before. Question 1 asked candidates for steps to be taken regarding an allegation of Domestic Violence against Adams. Question 2 indicated that Jones has since been distracted and has submitted reports with careless mistakes. This question asked for actions to address this situation.

After reviewing his test materials, the appellant disagreed with his score for the technical component. For this component, the appellant received a score of 3, and the assessor indicated that the appellant missed the opportunity to ascertain whether Erica needs medical assistance, which was a response to question 1, and to develop an improvement plan for Lieutenant Jones that you both agree on, which was a response to question 2. On appeal, regarding Lieutenant Jones, the appellant summarizes his response to question 2, and states that he had a meeting with Jones, told Jones he was a good officer and the incident was not his fault, told him he and other supervisors were going to training, conducted an after-action review/critique of the incident, and addressed identified deficiencies. He argues that these actions are synonymous with an employee development plan.

In reply, instructions to candidates included, "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." This was read aloud to the appellant prior to the start of his examination. The appellant took the actions that he argues that he took. As a result, he received credit for having a meeting with Jones, providing training, and providing positive feedback. However, the SMEs determined that developing an improvement plan for Lieutenant Jones that you both agree on was a separate and distinct action that could be taken to address the situation. If the appellant wanted to take this action, he needed to have stated it, rather than implied it. This was a formal examination setting, and credit is not given for information that is implied or assumed. A review of the presentation indicates that in response to question 2, the appellant gave actions that were more general to the department than specific to Jones. For example, conducting an after-action review/critique of the incident is not specific to the situation with Jones. His score of 3 for this component is correct.

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

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10th DAY OF SEPTEMBER, 2019



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