



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Bryan Stanislawski,
Battalion Fire Chief (PM1491T),
Bayonne

Examination Appeal

CSC Docket No. 2017-1338

ISSUED: **JAN 23 2017**

(RE)

Bryan Stanislawski appeals his score on the examination for Battalion Fire Chief (PM1491T), Bayonne. It is noted that the appellant passed the examination with a final average of 89.200 and ranked fifth on the eligible list.

This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of 70 multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios; a Supervision, Administration and Incident Command scenario. All candidates received the same multiple-choice exam, but differing versions of the oral exercises were given based on the day the oral exam was administered. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the oral portion, candidates had 60 minutes to prepare for all three scenarios and had 10 minutes per scenario to present their response. For all three oral exercises, the candidate was to assume the role of a Battalion Fire Chief. Candidates were scored based on the content of their response (technical) and the how well they presented their response (oral communication). Both of these dimensions were scored on a scale of 1 to 5 with 1 being the lowest rating and 5 being the highest rating.

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral

communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. As part of the scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An SME also noted any weaknesses that detracted from the candidates overall oral communication ability. The SME then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

For the technical and oral communication components of the Supervision, Administration and Incident Command scenarios, the appellant received scores of 4, 4, 5 and 5, 5, 5, respectively.

The appellant challenges his score for the technical component of the Supervision scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenario were reviewed.

The Supervision scenario involved a firefighter with a bruise. Firefighter Delacano indicated to the candidate that he fell and hurt himself. The candidate asks Captain Connor to look into the matter and the Captain confirmed that the firefighter injured himself in an accident. A few days later, Firefighter Delacano explains that he was hit in the face with a ladder by another firefighter during a training exercise. The firefighter claimed it was an accident but Firefighter Delacano thinks he did it on purpose. Firefighter Delacano has been anxious since he was transferred to Captain Connor's company, but feels that they've been together a long time and resent him. Captain Connor was present at the training accident, and Firefighter Delacano believes he took no action since he was close friends with the other firefighter. The question asked candidates to base their responses on the text *Managing Fire and Emergency Services*, and their experience. Question 1 asked what should be said in the meeting with Firefighter Delacano. Question 2 indicated that, as a result of the

investigation, the candidate has determined that Firefighter Delacano was assaulted and Captain Connor covered up the incident. This question asked what actions should be taken now based on this new information in regards to Captain Connor.

For this question, the SME noted that the appellant missed the opportunity to provide clear notice of specific charges (question 2). On appeal, the appellant claims that he said that Firefighter Delacano would be given a written reprimand for not reporting an injury correctly, and indicated that Captain Connors would receive a written reprimand for covering up an injury to a firefighter.

In reply, the candidates were expected to provide Captain Connor with clear notice of specific charges in response to question 2. Regarding Firefighter Delacano, the appellant stated, "I would state the reason for the meeting, that ah he was injured during a training exercise and he did not report it, or he incorrectly reported it. I'm actually going to praise him that ah, that he came forward and did admit the truth to me. But I'll also have to state that he did not be truthful when I initially questioned him." Later, he stated, "Now I'm also gonna cite the rules and regulations on how to report injuries um on, on the, on the fire truck, excuse me, on the training. I'm also going to explain to him the expected behavior that I expect from him when he becomes injured and his reporting of the injury to his captain, also to myself. I'm going to have to give him a written warning for incorrectly um, stating about his injury. He did not properly report this injury." The SMEs did not recommend that Firefighter Delacano be given a written reprimand for not reporting the injury correctly. His supervisor was aware of the injury at the time it occurred. The firefighter did not tell the candidate the truth when he was questioned by him in the hallway, but this is not the same as failing to report it properly. It was explained in the scenario that Firefighter Delacano indicated he has had a hard time lately and has been feeling anxious and resented by the others. So the reason for his untruthfulness to the candidate has already been discovered. The best supervisor would ask Firefighter Delacano to follow proper injury reporting procedures, and report the incident to him if he felt that his supervisor was not properly addressing the situation. The mediocre supervisor would give him an oral reprimand. The appellant gave the anxious firefighter, who has already been improperly physically harmed, a written reprimand, which is harsher than an oral reprimand. This is not an appropriate supervisory action.

Regarding Captain Conner, the appellant stated, "At the meeting, I'm gonna sit ah, Captain Connors down and put him at ease. I'm gonna immediately state that, the reason for the meeting, that he covered up the injury to Firefighter Delacano. Now, I'm going to cite the rules and regulations that he has clearly violated by covering up this injury. I'm going to explain the expected behavior that I expect with a firefighter that is injured and the injury must be reported truthfully. I'm gonna have, this is going to be a written discipline at the least. I'm gonna have to ah forward this to the deputy and also um, talk to the deputy. This might go further, but a

written discipline must be the least. I'm going to advise him that yeah, this might be a more serious offense. I'm also going to advise him he has a right to an appeal. He has a right to due process and he has the right to union representation." He then discussed developing a corrective action plan. This passage indicates that the SME is correct that the appellant did not provide clear notice of specific charges. The appellant cited the rules and regulations that Captain Conner violated, but he did not mention or state that he would provide specific charges. The instructions given after the questions asked candidates to be as specific as possible in responding to questions, and not to assume or take for granted that general actions would contribute to their score. If the appellant meant to provide clear notice of specific charges to Captain Conner he needed to have verbalized that action. Credit cannot be given for information that is implied or assumed. The appellant missed the action noted by the SME and his score for this component is correct.

CONCLUSION

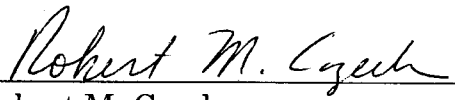
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 18th DAY OF JANUARY, 2017



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