



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jacinto Lopez, Jr.,
Battalion Fire Chief (PM1491T),
Bayonne

Examination Appeal

CSC Docket No. 2017-2587

ISSUED: **MAY 19 2017** (RE)

Jacinto Lopez, Jr., 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 84.980 and ranked ninth 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 2, 3, 3 and 4, 5, 5, respectively.

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

The Incident Command scenario involved a report of a fire at a local pool supply store. It is 2:00 PM on a Sunday in July, the temperature is 95° F, and wind is blowing from north to south at 15 miles per hour. The structure is a one story, non-combustible shopping center built in 1994 and measuring 75 feet by 1,500 feet. The pool supply store measures 75 feet by 50 feet. The side C exposure is an Italian restaurant beyond which are several retail stores. Upon arrival, the candidate sees smoke emanating from the roof of the building. An employee indicates that fire spread quickly throughout the store and he believes that some customers and employees may not have escaped. The question asked candidates to base their responses on the text *Fire Officer's Handbook of Tactics*, and their experience. Question 1 asked for specific actions upon arriving at the scene. Question 2 indicated that during overhaul, a fire fighter transmits a mayday after seeing two fire fighters

overcome by toxic fumes in the pool supply store. Question 2 asked for specific actions that should now be taken based on this new information.

For the technical component of this scenario, the SME noted that the appellant failed to conduct a Personal Accountability Report (PAR) in question 2. This was a mandatory response. Lastly, he noted that the appellant missed the opportunity to check for vertical extension into the truss roof (for question 1). He used the "flex rule" to assign a score of 3. On appeal, the appellant argues that he expressed concern about the type of roof, stated that it may be subject to early collapse, and discussed operations for a light-weight roof.

In reply, regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. All mandatory responses must be given in order for a performance to be more than acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or 5.

For the Incident Command scenario, a review of the appellant's video and related examination materials indicates that the appellant did not provide a mandatory response, *i.e.*, conduct a Personnel Accountability Report (PAR) in response to question 2. Thus, regardless of whether he receives credit for checking for vertical extension into the truss roof, he cannot receive a score higher than a 3. Nevertheless, instructions to candidates, which are read after the questions, state, "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." The action that the assessor noted was that the appellant did not check for vertical extension into the truss roof. Considering the roof type, early collapse or roof operations for a light-weight roof are all different actions than that noted by the assessor. The appellant's argument on appeal only assumes that he had checked for vertical extension by noticing the truss roof and considering collapse and roof operations. If the appellant meant to check for vertical extension into the truss roof, he needed to have articulated this action. The appellant missed this action for question 1, and the mandatory action in question 2. As such, his score for this component will not be changed.

CONCLUSION

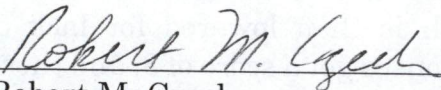
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 17th DAY OF MAY, 2017



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