



**STATE OF NEW JERSEY**

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

In the Matter of Kevin Preston,  
Battalion Fire Chief (PM2151W),  
Elizabeth

CSC Docket No. 2020-1188

Examination Appeal

**ISSUED:** January 30, 2020 (RE)

Kevin Preston appeals his score on the promotional examination for Battalion Fire Chief (PM2151W), Elizabeth. It is noted that the appellant passed the examination with a final average of 85.680 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 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. 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). These components 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 5, 4, 3 and 5, 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.

## CONCLUSION

The Incident Command scenario involved a fire at a medical facility which is a chemotherapy center. Question 1 asked for specific actions upon arrival at the scene. Question 2 indicated that during fireground operations, one of the firefighters falls into an intravenous (IV) stand with IV bags containing doxorubicin, a potent chemotherapy drug, soaking himself with the fluid, and he sustained a head injury. It asked for specific actions to be taken based on this new information.

For this scenario, the SME noted that the appellant failed to identify materials (e.g., MSDS, stock, inventory, etc.), which was a mandatory response to question 1. It was also indicated that the appellant missed the opportunities to set up a collapse zone, which was an additional response to question 1. He used the "flex" rule to assign a score of 3. On appeal, the appellant states that the medication for the cancer treatment was identified in the scenario, and therefore he devised a safety plan

around it. He also states that he ensured a Hazmat branch completed the eight-step process.

Regarding the flex rule, it is noted that certain responses to the situation presented in the scenario are mandatory. That is, 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 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 from 3 to 5.

In reply, the instructions in the scenario tell candidates to be as specific as possible and not to assume or take for granted that general actions will contribute to a score. This was a medical treatment facility for cancer, which is treated with a variety of drugs and chemicals. The SMEs found that it was essential that the Incident Commander identify materials in stock at the outset of the incident. As such, this was a mandatory response to question 1. The appellant did not take this action. Question 2 indicated that a Firefighter fell onto intravenous (IV) bags containing doxorubicin, and in response to this question, the appellant stated, "I will establish a Hazardous Materials branch and officer. I will ensure that Hazmat branch completes an eight-step hazmat process. We will set up a decon group. The emergency decon group will utilize hoselines in order to make sure all emergency response personnel and equipment are safe." First, this response was for question 2, after an accident of a member with a chemical. Next, the appellant had the Hazmat branch complete an eight-step process, but he did not indicate what those eight steps were, and credit is not given for information that is implied or assumed. Even if he had, this does not establish that he identified the materials in the facility at the outset of the incident. As his missed this mandatory response, his score of 3 for this component will not be changed.

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 29<sup>th</sup> DAY OF JANUARY, 2020



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