



STATE OF NEW JERSEY

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

In the Matter of Brad Fleischman,
Battalion Fire Chief (PM2165W),
Rahway

CSC Docket No. 2020-1202

Examination Appeal

ISSUED: January 30, 2020 (RE)

Brad Fleischman appeals his score on the promotional examination for Battalion Fire Chief (PM2165W), Rahway. It is noted that the appellant passed the examination with a final average of 81.920 and ranked fifth on the resultant 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, 3, 3 and 5, 5, 4, respectively.

The appellant challenges his scores for the technical component for 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 powder metallurgy facility. Question 1 asked for specific actions upon arrival at the scene. Question 2 indicated that during fireground operations, there is an explosion inside the facility and a Mayday is being broadcast. It asked for specific actions to be taken based on this new information.

For this scenario, the SME noted that the appellant failed to set up cold, warm and hot zones, which was a mandatory response to question 1. It was also indicated that the appellant missed the opportunity to identify materials (e.g., MSDS, stock, inventory, etc.), which was an additional response to question 1. The SME used the "flex" rule to assign a score of 3. On appeal, the appellant states that he clearly advised all members that there was gunpowder inside the building.

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 this instance, one SME indicated that the appellant did not provide a mandatory response, *i.e.*, to set up cold, warm and hot zones. As such, regardless of the issue of identifying materials, the appellant's score can be no higher than a 3 if he did not provide all mandatory responses. The scenario indicated that this was a powder metallurgy facility, but SMEs determined that the candidate needed to identify materials by MSDS sheets, bill of lading, stock, inventory, etc., in order to identify what was in the building. The appellant advised all members that there was gunpowder inside the building, however, he took no steps to identify that gun powder or any other material was in the building. The appellant did not identify materials, and he missed the mandatory response noted by the SME. His score of 3 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 29th DAY OF JANUARY, 2020



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