



STATE OF NEW JERSEY

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

In the Matter of Frank Szeg III,
Police Captain (PM0882A),
Perth Amboy

CSC Docket No. 2022-974

Examination Appeal

ISSUED: APRIL 11, 2022

Frank Szeg III appeals his score for the technical portion of the oral examination for Police Captain (PM0882A), Perth Amboy. It is noted that the appellant passed the examination with a final average of 86.430 and ranks fourth on the resultant eligible list.

This was a two-part examination consisting of a multiple-choice portion and an oral portion. 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, and were given time to read the scenario and the examination questions and to decide how to answer. In the examination room, candidates were read the questions relating to the scenario, and then they were given up to fifteen minutes to give their response to all questions. Seven candidates appear on the eligible list, which has been certified twice, and two appointments have been made.

Performances were audio and video recorded and scored by SMEs. Candidates were rated on a five-point scale, with 5 as the optimal response. The appellant scored a 4 for the technical component, and he scored a 4 for the oral communication component.

CONCLUSION

The scenario involved three situations occurring during the day. First thing in the morning, the candidate's subordinate calls to say that his unmarked car was stolen and inside were his identification cards and badge. Question 1 asked for actions to be taken in response to this information. Later in the morning, another subordinate shows the candidate a social media post from a resident stating she was pulled over by an unmarked car and the officer stated that they could work something out if she didn't want a ticket. This was clearly an impersonator, however, many public remarks were made that the police could not be trusted and a complaint would be ignored. Question 2 asked for actions that the candidate would personally take in response to the incident with the resident and police impersonator. The next morning, an officer finds the stolen vehicle with the suspect inside. All items were recovered, the suspect was identified, arrested, charged and processed. The incident was concluded and the candidate issued a press release notifying the public. The candidate reflects on the public comments that it was useless to file an Internal Affairs (IA) complaint for misconduct, and that the process was overly complicated. The candidate decides to issue a statement about the IA process, and question 3 asked for specific IA complaint process information to be included in the public statement.

After reviewing his test materials, the appellant disagrees with his score for the technical component. The assessor noted that the appellant missed the opportunity to get a description of the actor or car from Carly or utilize a sketch artist in response to question 2. On appeal, the appellant states that the Police Captain would not take this action, as it would be the responsibility of detectives in the investigation unit. He argues that this action is micro-managing the work.

In reply, review of the recording and related examination material indicates that the appellant's score of 4 is correct. The SMEs determined that it was appropriate for the candidate to get a description of the actor or car from Carly or utilize a sketch artist. The appellant's arguments that that this should not be a required action since he involved an investigation unit are unpersuasive. The appellant took other actions involving the investigation and for which he received credit. For example, the appellant confirmed with the resident that his actual subordinate was not involved. The appellant cannot receive credit for an action he did not take. Candidates were required to state their knowledge and did not receive credit for actions that were implied or assumed. The question asked the candidate for actions he would take personally, or *ensure are being taken*, in response to the incident, and simply delegating the whole investigation to the investigation unit and assuming that actions are being taken does not establish that the candidate is aware of what those actions would be. The candidate would be remiss to delegate the actions of the investigation without further thought about it. Viewed

holistically, the appellant's presentation warrants a score of 4, but he missed further actions to enhance his score.

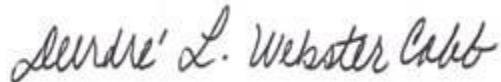
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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 6TH DAY OF APRIL 2022



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