



STATE OF NEW JERSEY

In the Matter of Herbert Eggers III,
Battalion Fire Chief (PM3390C),
Paterson

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

CSC Docket No. 2023-2152

Examination Appeal

ISSUED: December 20, 2023 **(ABR)**

Herbert Eggers III appeals his score on the promotional examination for Battalion Fire Chief (PM3390C), Paterson. It is noted that the appellant passed the examination with a final average of 83.020 and ranks 27th on the eligible list.

The subject promotional examination was held on May 23, 2022, and 45 candidates passed. 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: Supervision, Administration and Incident Command. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission (Commission), which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data. It is noted that candidates were told the following prior to beginning their presentations for each scenario: "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."

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical scoring procedures. Each of these SMEs were current or retired fire officers who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. Candidates were also assessed by three New Jersey Civil Service Commission employees trained in oral communication

assessment. 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 assessor also noted any weaknesses that detracted from the candidate's overall oral communication ability. Each assessor 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 Supervision scenario, the appellant scored a 5 on the technical component and a 5 on the oral communication component. On the Administration scenario, the appellant scored a 3 on the technical component and a 5 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 4 on the technical component and a 4 on the oral communication component.

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

The Administration scenario involves the candidate investigating an incident between Fire Fighter Hernandez and a Police Officer which culminated in the arrest of Fire Fighter Hernandez at the scene of a car accident where the candidate was serving as the incident commander.

For the Administration scenario, the SME indicated that the appellant missed a number of PCAs, including, in part, opportunities to have all fire department members at the scene provide written reports of what transpired and to provide a final written report to the Fire Chief. Based upon the foregoing, the SME awarded the appellant a score of 3 for the technical component of the Administration Scenario. On appeal, the appellant argues that he should have been credited with the PCA of having all fire department members at the scene provide written reports of what

transpired because he stated that he would obtain reports from all eyewitnesses at the scene. In this regard, he proffers that “all eyewitnesses” includes all fire department and police personnel on scene. He also submits that he stated that this would include the Fire Fighter that moved the apparatus and the police on scene. He contends that the foregoing does not exclude other members of the fire department. As to the PCA of providing a final written report to the Fire Chief, the appellant avers that he should have received credit based upon his statement during his presentation that he would have a face-to-face meeting explaining the outcomes of the programs, including what was done, how relationships have improved and how they would use the program going forward.

CONCLUSION

In the instant matter, a review of the appellant’s Administration scenario presentation demonstrates that he was properly awarded a score of 3 on the technical component. As noted above, candidates were told the following prior to beginning their presentations for each scenario: “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.” In this case, his statement that he would interview all eyewitnesses was too general to convey that he would obtain *written* reports from *all fire department members* at the scene. Similarly, stating that he would have a face-to-face meeting with the Fire Chief to discuss the outcome of the programs cannot be said to definitively indicate that the appellant would provide the Fire Chief with a final written report regarding the investigation of the incident. Accordingly, his score of 3 for the technical component of the Administration scenario is sustained.

A thorough review of the 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 20TH DAY OF DECEMBER, 2023

Allison Chris Myers

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Chairperson
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