



STATE OF NEW JERSEY

In the Matter of Walter Tovar,
Battalion Fire Chief (PM3390C),
Paterson

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

Examination Appeal

CSC Docket No. 2023-1856

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

Walter Tovar 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 82.040 and ranks 30th 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 4 on the oral communication component. On the Administration scenario, the appellant scored a 5 on the technical component and a 4 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 2 on the technical component and a 5 on the oral communication component.

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 was reviewed.

It is noted that the Incident Command scenario involves a response to a fire at a local auto parts store and auto repair shop. Question 1 asks what specific actions the candidate would take upon arriving at the scene. The prompt for Question 2 indicates that while crews are involved in extinguishment operations, an explosion occurs on Side C, emergency radio traffic is transmitted by a fire fighter and structural damage is now visible on Side C. Question 2 asks what specific actions the candidate should now take based upon this new information.

The assessor awarded the appellant a score of 2 on the technical component based upon a determination that the appellant failed to perform the mandatory action of conducting a primary search and missed the opportunity to perform a number of additional actions, including, in part, considering foam operations and evacuating the

affected area due to smoke in response to Question 1 and acknowledging emergency radio traffic in response to Question 2.

On appeal, the appellant argues that he covered the mandatory response of ordering a primary search by stating that Ladder 1 would search for and remove any occupants in the auto store. He further contends that he should have received credit for using foam based upon his statement that he would use high-volume foam.

CONCLUSION

In the instant matter, a review of the appellant's presentation fails to demonstrate that he should have been awarded credit for the mandatory response of conducting a primary search. The appellant stated, in relevant part, during his presentation that he would "also instruct the ladder to. . . to evacuate, search and . . . and . . . and rescue anybody from the auto parts section." Since the appellant did not indicate whether this would be a primary or secondary search, it was too general to award him credit for the mandatory response of conducting a *primary* search.

Conversely, upon review of the appellant's appeal, the Division of Test Development, Analytics and Administration (TDAA) has determined that he should have been awarded credit for the additional PCA of considering foam operations. Additionally, TDAA has determined that he should have been awarded credit for the additional PCA of evacuating the affected area due to smoke. Accordingly, based upon the foregoing, the appellant's score for the technical component of the Incident Command scenario should be increased from 2 to 3 pursuant to the flex rule¹.

ORDER

Therefore, it is ordered that this appeal be granted in part and that the appellant's score for the technical component of the Incident Command scenario be raised from 2 to 3. It is further ordered that this scoring change be given retroactive effect.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ Generally, candidates must identify all mandatory responses to receive, at minimum, a score of 3. However, a score of 3 may also be achieved via the "flex rule," where a candidate provides many additional responses, but does not give a mandatory response. However, a score higher than a 3 cannot be provided utilizing the flex rule.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20TH DAY OF DECEMBER, 2023

Allison Chris Myers

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Chairperson
Civil Service Commission

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