



**STATE OF NEW JERSEY**

In the Matter of Christopher Curko,  
Battalion Fire Chief (PM3385C),  
Hoboken

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

CSC Docket No. 2023-1976

Examination Appeal

**ISSUED:** February 7, 2024 (ABR)

Christopher Curko appeals his score on the promotional examination for Battalion Fire Chief (PM3380C), Hoboken. It is noted that the appellant passed the examination with a final average of 85.050 and ranks 11<sup>th</sup> on the eligible list.

The subject promotional examination was held on May 23, 2022, and 14 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 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 3 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 4 on the technical component and a 5 on the oral communication component.

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

For the oral communication component of the Administration scenario, the assessor found that the appellant displayed minor weaknesses in organization and confidence. Specifically, in terms of organization, the assessor cited a lengthy pause of one minute and 19 seconds at the start of the appellant's presentation and another long pause of 45 seconds which followed 90 seconds later. The assessor also pointed to the appellant's use of equivocating phrases like "I'm gonna potentially . . .," "I'll try to do the best I can . . .," "potentially another Battalion Fire Chief . . .," "I would probably recommend him to speak to the Department of Personnel," and ". . . probably someone from day staff . . ." as evidence of his minor weakness in confidence. Based upon these issues, the assessor awarded the appellant a score of 3 on the oral communication component of the Administration scenario. On appeal, the appellant

asserts that because the 2022 2<sup>nd</sup> Level Fire Supervision Orientation Guide states that “[p]ausing occasionally to review notes is expected and will not be penalized,” his pausing to review his notes should not have lowered his score. Additionally, he maintains that reviewing notes represents a candidate being thorough and is consistent with the review and revision of incident action plans on real-life firegrounds.

In reply, a review of the appellant’s Administration scenario confirms the assessor’s award of score of 3 for the oral communication component based upon the appellant’s display of minor weaknesses in organization and confidence. The appellant’s pauses to review his notes were significant in length and clearly detracted from the flow and quality of his presentation. Additionally, beyond the pauses cited by the assessor, there were other notable pauses in his delivery not related to the review of notes, such as “[w]e’ll figure out if he was . . . potentially . . . if he was abiding by our SOPs and . . . or if he was . . . potentially giving the patrolman a hard time, which escalated this incident.” Similarly, the recording of the appellant’s presentation corroborates the assessor’s finding related to confidence.

With regard to the technical component of the Incident Command scenario, the 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 SME awarded the appellant a score of 4 based upon his failure to identify a number of additional opportunities, including, in part, the opportunity to evacuate the affected area. On appeal, the appellant argues that he covered this action by ordering an evacuation, directing dispatch to sound evacuation tones and requesting a Personnel Accountability Report (PAR).

In reply, the appellant’s appeal is based upon a mistaken belief that he did not receive credit for performing an evacuation in response to the explosion in Question 2. However, the Commission notes that the appellant received credit for ordering the fire crew to evacuate following that event. The evacuation PCA the SME was referring to was a response to Question 1, which was to evacuate the area surrounding the fire building because of the smoke condition. A review of the appellant’s presentation fails to demonstrate that he covered the subject PCA from Question 1. Accordingly, the appellant’s score of 4 on the technical component of the Incident Command scenario is sustained.

Finally, as to seniority, the appellant maintains that with the subject examination, candidates were initially given incorrect seniority scores. He asserts that when corrected seniority scores were issued in March 2023, the increase in his seniority score was less than other candidates. As such, he questions the accuracy of his seniority score.

In reply, in terms of the corrections to seniority scores for the subject symbol, the Division of Test Development, Analytics and Administration (TDAA) presents that because the difference between the original and corrected seniority scores were greater for some candidates than others, some candidates' final averages changed more than others following TDAA's scoring corrections. Further, a review of the appellant's scoring demonstrates that his corrected seniority score and final average are accurate. Specifically, examination seniority is based on the time from the regular appointment date (to the eligible title) to the closing date of the announcement, minus the time spent on layoffs, certain leaves of absence without pay, or suspensions. *See N.J.A.C. 4A:4-2.15* (Rating of examinations). The appellant received a permanent appointment to the title of Fire Captain, effective June 27, 2014, and the closing date was September 30, 2021. His seniority score is 87.266. This reflects a base score of 70, plus 10 points for record of service, plus 7.266 for the 7 years, 3 months and 4 days he was a Fire Captain. Time spent in a provisional position or as an "acting" Fire Captain is not added to seniority for any candidate. Accordingly, the record demonstrates that the appellant's seniority score of 87.266 and his final average of 85.050 are correct.

### 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 7<sup>TH</sup> DAY OF FEBRUARY, 2024



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