

B-23



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andrew Markey,
Battalion Fire Chief (PM1496T),
Hoboken

Examination Appeal

CSC Docket No. 2017-1316

ISSUED: MAR 13 2017 (RE)

Andrew Markey appeals his score on the examination for Battalion Fire Chief (PM1496T), Hoboken. It is noted that the appellant passed the examination with a final average of 87.340 and ranked second on the 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 70 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. All candidates received the same multiple-choice exam, but differing versions of the oral exercises were given based on the day the oral exam was administered. 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). Both of these dimensions 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, 4, 3 and 5, 5, 5, respectively.

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 were reviewed.

The Incident Command scenario involved a report of a fire at a local paint store. It is 2:00 PM on a sunny afternoon in April, 55 degrees Fahrenheit, and the wind is blowing from west to east at five miles per hour. The fire building is a one-story, lightweight wood-frame constructed taxpayer with a truss roof measuring 150 feet by 75 feet. The paint store measures 20 feet by 75 feet. The side B exposure is a glass and mirror store, while the side D exposure is a liquor store. Upon arrival, the candidate sees fire and smoke emanating from side A of the paint store. An employee states that the fire spread quickly throughout the store and he believes some customers and employees may not have escaped. The scenario asked candidates to answer the questions based on the text *Fire Officer's Handbook of Tactics* and their experience. Question 1 asked for specific actions to be taken upon arriving at the scene. Question 2 indicated that, during overhaul, the roof collapses over the paint

store trapping several fire fighters. Question 2 asked for specific actions that should now be taken based on this new information.

For the Incident Command scenario, the SME indicated that the appellant failed to check for vertical extension into the truss roof common cockloft area, which was a mandatory response to question 1. He also indicated that the appellant missed the opportunity to switch fire operations to another frequency (in question 2 after the collapse). He used the "flex rule" to assign a score of 3. On appeal, the appellant argues that he stated that there were trusses in the roof, the exposure was wide open in the cockloft, he ordered a 2½ inch line to the side B exposure to prevent extension, he performed vertical ventilation, and did so by breaking natural openings, and performed overhaul by opening ceilings and opened the ceilings of the sides B and D exposures.

Regarding the flex rule, 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. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include all mandatory responses get a minimum 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 5.

Instructions to candidates, which are read after the questions, state, "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." For the Incident Command scenario, a review of the appellant's video and related examination materials indicates that the appellant did not check for vertical extension into the truss roof common cockloft area. The appellant's argument on appeal only assumes that he had done so by noticing the truss roof and common cockloft, taking other actions regarding the exposures, and performing overhaul. If the appellant meant to check for vertical extension into the truss roof common cockloft area, he needed to have articulated this action. The appellant ordered a 2½ inch line to the side B exposure to prevent extension, but he did not state that it was extension in the cockloft. Performing ventilation operations on the roof from an aerial ladder is a separate action from checking for vertical extension into the truss roof common cockloft area. The appellant did not check for vertical extension into the truss roof common cockloft area until he began overhaul. Given the information in the scenario, it was imperative that the cockloft be checked while the fire was ongoing, as it could extend. The appellant missed this mandatory action for question 1, and the additional action in question 1. As such, his score for this component will not be changed.

CONCLUSION

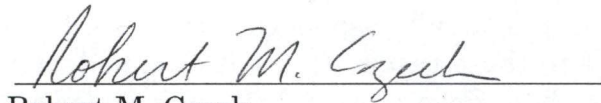
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 9th DAY OF MARCH, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Andrew Markey
Michael Johnson
Records Center