

B-25



STATE OF NEW JERSEY

In the Matter of Edward Esposito,  
Sheriff's Officer Lieutenant  
(PC2143R), Essex County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-3026

Examination Appeal

ISSUED: NOV 10 2014 (JH)

Edward Esposito appeals the promotional examination for Sheriff's Officer Lieutenant (PC2143R), Essex County. It is noted that the resultant eligible list for this title has not yet been issued.

The subject examination was administered on May 8, 2014 and consisted of 70 multiple choice questions.

An independent review of the issues presented under appeal has resulted in the following findings:

Question 31 notes that the research of Donald Kirkpatrick, who is known as an industry expert in evaluating training programs, suggests that there are four sequential levels to the evaluation process, and that all training programs should be evaluated using these criteria. The question indicates that you have incorporated the following evaluation methods into your upcoming training program:

You developed a survey that asks participants to rate and comment on the conditions of training and the training content. You plan to devote the last 15-minutes of the training to the completion of these surveys.

Six months after the training, you plan to use on-the-job observations to compare pre-course to post-course competence for all participants of the training.

Nine months after the training, you plan to assess whether the problem addressed by the training has been solved or reduced. You will compare any increases in productivity to the cost of implementing the training program, to determine whether the course should be continued or cancelled.

The question asks for the level of evaluation that you have not measured. The keyed response is option c, Learning. Mr. Esposito, who misidentified this item as question 40,<sup>1</sup> maintains that option a, Reaction, is the best response or alternatively, equally correct. At the outset, Mr. Esposito notes that the Orientation Guide, under the section entitled, "Potential Source Material," did not list a source pertaining to training or training techniques. He indicates that the Orientation Guide also states that "the development of test items is NOT limited to the sources in this orientation guide. Candidates are encouraged to consult any additional source material they feel will aid them in preparation for the Sheriff's Officer Lieutenant exam." His online searches for "law enforcement training" books yielded a "large number of possible sources available" and he consulted five additional sources.<sup>2</sup> He presents that since neither of the suggested texts listed in the Orientation Guide<sup>3</sup> discusses Kirkpatrick's method of evaluating training programs, he consulted Schroeder and Lombardo, *supra*. He argues that "according to these authors, 'observations of the trainee by the trainer' is one of the individual methods used to find out if the trainees have learned . . . Therefore, the evaluations performed as described in this question did evaluate 'learning.'" He presents:

One of the Commission's listed sources, *Organizational Behavior and Management in Law Enforcement*, [*supra*,] states[,] '[s]pecific [m]easures are designed to evaluate individual and unit performance.' The authors of the Commission's sourced text continue[,] "[e]xamples of these measures include the following: . . . specific performance outputs achieved (number [of] arrests, citations, officers deployed,

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<sup>1</sup> It is noted that Mr. Esposito indicates in his appeal that he is appealing three items, two of which he identifies as question 40.

<sup>2</sup> Specifically, he lists: Gary W. Cordner and Kathryn E. Scarborough, *Police Administration* (7th ed. 2010); M.R. Haberfeld, *et al.*, *Police Organization and Training* (2012); Malcolm S. Knowles *et al.*, *The Adult Learner* (6th ed. 2011); Harry W. Moore and Larry S. Miller, *Effective Police Supervision* (5th ed. 2007); and Donald J. Schroeder and Frank Lombardo, *Management and Supervision of Law Enforcement Personnel* (4th ed. 2006).

<sup>3</sup> The Orientation Guide indicated that the following textbooks would be used to develop test questions for the subject exam: Harry W. More, *et al.*, *Organizational Behavior and Management in Law Enforcement* (3rd ed. 2012); and Joseph Giacalone, *The Criminal Investigative Function: A Guide for New Investigators* (2011).

etc.)' Therefore, according to *Management and Supervision of Law Enforcement Personnel*, [supra,] 'Is the output sufficient?' as described by these authors in the section '9.9D.iv Finding Out if the Trainees Have Learned' evaluates the 'results' based on the evaluations performed as described in the question . . . According to these authors, '[w]hat should be looked at is if the supervisors of the trainees believe that the knowledge, skills and attitudes of the trainees have been impacted as evidenced by the trainees' present performance.' These authors continue on this topic, '[h]is job performance, after training, should be observed and comparisons made with his performance before training on whatever measurable characteristics are considered pertinent.' Since one of the Commission's listed sources, *Organizational Behavior and Management in Law Enforcement*, [supra,] states that attitudes are translated and lead to specific behavior; it is evident 'behavior' was evaluated based on the evaluations performed as described in this question. Based on the above information regarding this question, learning, behavior and results were evaluated and reaction was not evaluated.

It is noted that the Division of Selection Services was contacted regarding this matter and indicated that many training books reference Kirkpatrick including the following: Tom W. Goad, *The First-Time Trainer: A Step-by-Step Quick Guide for Managers, Supervisors, and New Training Professionals* (2010); Irwin Goldstein and Kevin Ford, *Training in Organizations: Needs Assessment, Development, and Evaluation* (2002); and Raymond Noe, *Employee Training & Development* (2012). As noted by the appellant, the Orientation Guide indicated that the development of test items would not be limited to the sources listed therein. In this regard, the subject question is sourced to Cy Charney and Kathy Conway, *The Trainer's Tool Kit* (2nd ed. 2005). The authors indicate that Kirkpatrick's work on evaluating training has been adapted worldwide. They provide:

Kirkpatrick sets out four sequential levels in an evaluation process:

- **Level One: Reaction.** Trainee's verbal and written feedback at the end of the course.
- **Level Two: Learning.** Trainee's understanding of the key learning principles.
- **Level Three: Behavior.** Observable application of the skill on the job.
- **Level Four: Results:** Quantifiable improvements in productivity that can be attributed to the training.

As such the question is correct as keyed.

Question 37 indicates that David Kolb is a renowned educational theorist, who is known for his model of learning styles, called the Learning Style Inventory. In this model, Kolb categorizes learning styles into four general types. Officer Belanger would best be described as a converger. Candidates were required to complete the following sentence, "This means that he . . ." The keyed response is option b, "learns mainly through abstract conceptualization and active experimentation. He can deal well with theories, and wants to try things out to prove these theories." Mr. Esposito presents that the sources he consulted "refer to David Kolb's Learning Style Inventory (LSI) and Experiential Learning Theory (ELT), but not in the detail that was required to answer the question." He argues there are "many theories, perspectives and opinions regarding adult learning." He requests that this item be omitted from scoring since "the Commission did not cite a source that included this specific adult learning style . . . Although training techniques and the responsibility to train subordinates is well within the responsibility of a Sheriff's Officer Lieutenant, the in depth knowledge of every adult learning theory is certainly not. This is especially true with regard to a theory that is not common in the field of law enforcement training and where multiple (highly regarded) sources do not even delve into this theory or its details." It is noted that the validity of the question is not based on whether the appellant could find the pertinent information in the resources he consulted. Rather, the validity of the question is based on whether the area tested by the question is linked to the job. In this regard, as indicated in the Orientation Guide:

A job analysis was conducted to identify the knowledge and abilities that are necessary to perform the duties of a Sheriff's Officer Lieutenant. A job analysis is the process of critically examining job components in order to provide a functional description of a job. Based on this job analysis, several work components were identified, and it is from these work components that a distinct exam has been developed. During the job analysis, senior sheriff's personnel rated each Sheriff's Officer Lieutenant work component in terms of its importance. Exam questions will relate to those work components that were determined to be most critical. These work components, which have been translated into test content areas, are shown below along with their relative test weights (rounded %). The test weights depict the percentage of the test devoted to each content area.

Weight Test Content

- 14% Arrest, Search & Seizure
- 14% Report Writing
- 14% **Training Techniques**
- 14% Criminal Investigation
- 14% Data Evaluation
- 30% Supervision

100%

(emphasis added)

Moreover, the question asked for a fundamental aspect of Kolb's theory. It is noted that the Division of Selection Services was contacted regarding this matter and indicated that the following books refer to Kolb: Raymond Noe, *Employee Training & Development* (2012); William J. Rothwell, *Adult Learning Basics* (2008); and Robert H. Vaughn, *The Professional Trainer: A Comprehensive Guide to Planning, Delivering, and Evaluating Training Programs* (2nd ed. 2005). Furthermore, the question is sourced to Vaughn, *supra*, who indicates that a converger "learns mainly through abstract conceptualization and active experimentation. This approach means that the person who prefers this learning style can deal with theories, and wants to try things out to prove these theories." Thus, the question is correct as keyed.

Question 40 indicates that you have been asked to conduct a needs analysis to help the department determine what training programs to offer officers in the upcoming year. As a part of this analysis, you decide to use an observational technique to collect data. The question asks for the true statement about the use of observations as part of a needs analysis. The keyed response is option a, "Observers must be skillful enough to understand all job aspects." Mr. Esposito maintains that option d, "Observations are most effective when two-way interaction is necessary," is the best response or alternatively, equally correct. He refers to Schroeder and Lombardo, *supra*, and Moore and Miller, *supra*. He argues that these authors "do not require that the observer must be skillful in all aspects of the task observed." Specifically, he refers to an example presented in Schroeder and Lombardo, *supra*, in the section entitled, "9.9 Devising and Conducting a Training Program; 9.9.A. Discovering Needs," regarding a Lieutenant who has received numerous complaints regarding the precinct desk phone operator. Mr. Esposito emphasizes that the authors indicate that "the lieutenant, through his first-hand knowledge of personnel assigned to the shift, assesses how well they know the service available to the public through the department and the level of their conversational and interpersonal skills." Mr. Esposito claims that "the only way this assessment could be completed is through evaluating two-way interactions." In the example cited by Mr. Esposito, it is noted that the authors do not discuss what level of observation is required. In addition, he presents that Moore and Miller, *supra*, list eight traits or characteristics in their task analysis section and provide a description of each. He argues that "most[,] if not all[,] of the traits and characteristics listed by the authors of this text require two-way interactions." Mr. Esposito does not indicate that the authors discuss what level of observation is required. Rather, Mr. Esposito offers his interpretation of what level of observation is needed. The question is sourced to Vaughn, *supra*, who provides a nine-step needs analysis process. Vaughn indicates

that the observer "must be non-intrusive and skillful enough to understand all job aspects." Thus, the question is correct as keyed.

**CONCLUSION**

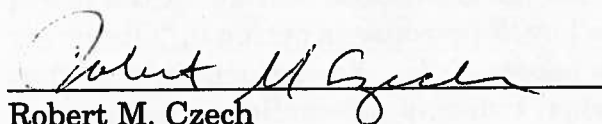
A thorough review of the appellant's submissions and the test materials reveals that the appellant's examination score is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

**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 6TH DAY OF NOVEMBER, 2014**



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