



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Stephen Dollinger,
Deputy Police Chief (PM1206S),
Middletown Township

CSC Docket No. 2014-2370

Examination Appeal

ISSUED: JUN - 8 2015 (RE)

Stephen Dollinger appeals his score on the examination for Deputy Police Chief (PM1206S), Middletown Township. It is noted that the appellant passed the examination with a final average of 92.090 and ranks second on the resultant eligible list.

It is noted for the record that this was an oral examination consisting of four questions. The examination content was based on a comprehensive job analysis. Senior command personnel from police departments, called Subject Matter Experts (SMEs), helped determine acceptable responses based upon the stimulus material presented to the candidates, and they scored the performances. In each question, candidates were presented with a scenario and had to respond to a series of questions about the scenario.

Each question, and overall oral communication, was rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. The appellant received a score of 5 for the first, second and third questions, and score of 4 for the fourth question, and a score of 4.5 for oral communication. The appellant appeals his score for the fourth question and for oral communication.

Question 4 pertained to Community Policing. This item referred to registering and tracking sex offenders. Part A asked candidates to provide three definitions. Part B asked for specific information that should be recorded when

accepting and compiling registration information. Part C asked for ways the police departments could educate the community about sex offenders. The appellant received a score of 4 and the assessors noted that, for part B, the appellant failed to add the date of birth. On appeal, the appellant maintains that he provided this information, and that one full point should not have been taken away for failing to provide this singular response.

At the outset, it is noted that the scores for the technical component are not reduced by missed opportunities to provide more information. Rather, each performance was rated on a five-point scale (1 to 5) from much less than acceptable through much more than acceptable according to determinations made by the SMEs. The assessor notes are examples of missed opportunities to provide appropriate responses, and thus, the examples given may not be the only missed opportunities.

This was a formal examination setting, and candidates were required to provide clear and straightforward responses. A review of the appellant's audio tape indicates that he did not mention that the birth date should be included in information that should be recorded when accepting and compiling sex offender registration information. Nevertheless, he missed other information as well. For example, he did not mention immigration documents, professional licenses, or physical description as information to be included. The appellant was credited with all of his responses, including requesting a current photograph and providing finger and palm prints and the DNA sample. A holistic view of his presentation indicated that his performance was more than acceptable, but not much more than acceptable. As such, his score of 4 for this component is correct and will not be changed.

As to the oral communication component, for questions 1 and 2, the assessor indicated that the appellant displayed a minor weakness in word usage as evidenced by his mispronunciation of words including "non-civilian employee," "maintained," and "input." He also indicated a minor weakness in organization, as the appellant paused to collect his thoughts at times. On appeal, the appellant argues that he did not mispronounce words, and his presentation did not contain any notable pauses. He argues that a deduction of 1 point for two words is extreme and excessive. Also, the appellant provides medical documentation regarding a condition that may affect his speech.

In reply, the oral communication component is scored by the observation of weaknesses. Word Usage/Grammar is defined as failing to use appropriate words, using words that are grammatically incorrect, and using distracting verbal mannerisms such as "ah" or "um" excessively. Organization is defined as presenting ideas in a logical, orderly fashion, not rambling or going on a tangent, and not using excessively long pauses to gather thoughts. The assessor notes refer

to these two weaknesses. A review of the appellant's audio tape for questions 1 and 2 indicates that the appellant did not excessively pause during his presentation. Rather, he maintained a flow of information. Although he did take tangents, he covered all salient points in response to the questions. He paused once for a significant amount of time, around 40 seconds, after indicating that he would like the opportunity to review his notes. As such, the pause was not unexpected, and the appellant did not pause at other times, or use this technique excessively. Additionally, the appellant did misspeak words at times, however, he corrected his pronunciation. While the appellant's performance contained these errors, they were not pervasive to the point that they detracted from the performance. In sum, while the appellant's oral communication was not perfect, the errors that he made did not constitute weaknesses which were distractions from the presentation of information. As such, the appellant's score for this component should be raised from 4.5 to 5.

CONCLUSION

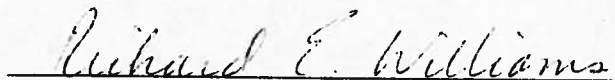
A thorough review of the appellant's submissions and the test materials indicates that, except for the oral communication component, the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that the appellant's score for the oral communication component be changed from 4.5 to 5, and the remainder of 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 3rd DAY OF JUNE, 2015



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