

Solving/Decision-Making. The appellant scored a 3 for the technical component, and a 3.5 for the oral communication component.

Prior to reviewing his examination, the appellant appealed his seniority score and the scoring of the examination. Specifically, he stated that his seniority score of 83.221 is lower than that of other candidates who were hired at the same time. He does not identify those individuals. He believes his seniority should be 83.258.

The appellant states that his raw score on the multiple choice portion was 66 out of 70. He believes there was an error in scoring and he was not given full credit for these responses. Or, in the alternative, he argues that the multiple choice portion was "grossly under scored."

As to the technical portion, the appellant argues that he should have been given all missed Possible Courses of Action (PCAs), so he could compare his responses to those of other candidates to determine if he was scored correctly. He does not provide any specific issues regarding the assessor notes regarding his presentation. As to the oral communication portion, the appellant argues that the weakness in organization was defined as minor, not major, and he was not given a scale as to how much time was acceptable for each question. He states that he was 15 minutes to answer all the questions and it was subjective to penalize him for not spending a certain number of minutes on each part. He argues that he was penalized for missing responses in the technical component, and should not be penalized again in this component.

CONCLUSION

Regarding seniority, 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, leaves of absence without pay, plus the record of service less any suspensions. The closing date for the subject examination was September 30, 2014; this is the date used to calculate seniority. The maximum possible seniority score is 95.000, representing 15 years (85.000), plus additional points for record of service, less suspensions. A review of appellant's record reveals that he was regularly appointed on June 29, 2011 to the title of Police Lieutenant, and had a 7 day suspension in 2013. As such, appellant's seniority score of 83.221 is correct. It reflects that base score (70), plus the time served as a Police Lieutenant (3.238) and record of service (9.983). This was worth 30% of the final average ($83.221 \times .3 = 24.966$). Seventy percent of the normalized score was appellant's final percentage score ($85.686 \times .7 = 59.980$). The two added ($24.966 + 59.980$) equal the final average, 84.946 which was rounded up to 84.950.

Next, the appellant received an explanation as to scoring when he reviewed the examination. It was explained that the two portions, written and oral, have

different scoring scales and because of this, the scoring scales needed to be standardized before the scores can be combined. The appellant was given his scores and the calculations used in standardizing the scores. If the appellant had any questions regarding his scores, he could have asked the monitor during his review. He was properly credited with 66 correct responses on the multiple choice section, and his score was not confused with another person's score. The weights for each portion of the examination were determined based on a comprehensive job analysis in accordance with accepted psychometric principles. The results of this analysis identified the underlying knowledge, skills and abilities (KSAs) necessary to successfully perform the duties of the position under examination, and the relative importance of each KSA to the overall function of the position. Each portion of the examination was then weighted accordingly. The appellant provides no arguments in support of his assertion that the multiple choice portion was under-represented. With no supportive arguments, the appellant is merely making assumptions in order to increase his score.

As to the review of the examination, the assessor notes are examples of missed behaviors, but are not all-inclusive of every missed action. A uniform set of scoring criteria was used for every candidate in this jurisdiction, and every performance was compared to these criteria. All missed actions are not included on the review form as this is administratively burdensome and would compromise the scoring criteria. The current review process permits controlled access to examination material and strikes a balance between the provision of information to the candidate and the maintenance of examination security. *See James T. Brady v. Department of Personnel*, 149 N.J. 244 (1997). In *Brady*, the Supreme Court found that the Commission's controlling rules and policies represent a reasonable balance between security and test taker interests. None of the candidates were allowed to review all of the PCAs, and this opportunity will not be given to the appellant. The appellant was given a list of missed opportunities to take action, and he chose not to refute any of those actions. Also, each presentation is compared to the PCAs developed by SMEs in response to the stimulus material and questions. The presentations are not compared to each other. As such, the appellant's argument that he needs to compare his responses to those of other candidates who received higher scores, in order to verify that he was graded equally, is misplaced. Each presentation is scored independently of all other presentations. The appellant's examination and scoring have been reviewed and there is no basis to change his score.

For the Oral Communication component, the assessors noted weaknesses in organization and brevity. Specifically, they noted that he spoke too long about question 1, repeating actions and allotting only about 15% of his time to questions 2A, 2B and 2C. They also noted that specific details were left out of answers to questions 2A, 2B and 2C. On appeal, the appellant states that these weaknesses were both listed as minor, not major, and he was not given a "scale" of acceptable

were both listed as minor, not major, and he was not given a "scale" of acceptable time for each question. He claims that without direction on the amount of time to spend on each question, the scoring is subjective. He states that he gave 5 actions for question 2A, seven for question 2B, and several specifics for question 2C. He states that he was penalized once for a lack of responses in the technical component and again for organization and brevity in the oral communication component. He believes his score for the oral communication component to be too harsh.

In reply, this was a formal examination setting, and candidates were expected to communicate clearly, concisely, specifically, and confidently, and in an organized fashion, with no errors in word usage or grammar, or distracting verbal or nonverbal mannerisms. Candidates were to provide specific answers to each of the three questions, and the examination tested technical knowledge and oral communication ability. Any weaknesses in oral communication resulted in a lower score. These weaknesses were observable and defined. There are various factors associated with oral communication, and one of the factors in oral communication is specificity/brevity, which is generally noted if a candidate's presentation has vague or general statements, fails to give sufficient details, or is too brief to effectively address the scenario. Organization is another factor, and a weakness is defined as failing to present ideas in a logical fashion, failing to state a topic and provide supporting arguments, rambling or going on a tangent, containing excessively long pauses to gather thoughts, or ending a response abruptly, in the middle of a thought or sentence.

The candidates were given 15 minutes to respond to all the questions. It was the candidate's responsibility to manage his time to ensure an adequate response to each question. A review of the appellant's tape indicates that he spent 12 minutes responding to question 1, and one minute for each part of question 2. As a result, the appellant missed many PCAs for questions 2A, 2B and 2C, including many important actions. The appellant repeated actions in his response to question 1, but he also missed many PCAs for that question 1. The candidate missed actions that were not minor details, resulting in a lack of specificity. For example, question 2A referred to handling the freight train incident. The appellant did not specify that he would continue using the ICS he had set up, use perimeters to secure the area, or evacuate nearby residents. He failed to adequately handle the freight train incident in his one minute response. The appellant also failed to adequately handle the missing Alzheimer patient in his one minute response to that question. He missed opportunities such as obtaining a description of the missing person, coordinating a search for her, contacting her family, and assigning an officer or detective to begin the initial investigation. His response to this question was minimal and did not involve a sincere effort to locate the missing person. The appellant's brevity in response to questions 2A and 2B detracted from the presentation. He did not organize his responses to adequately deal with all the details in the stimulus material, and his score for this component will not be changed.

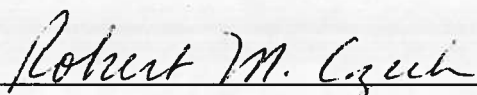
A thorough review of appellant's submissions and the test materials indicates that the appellant's test score is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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 3rd DAY OF JUNE, 2015



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