



STATE OF NEW JERSEY

In the Matter of Robert Seeburger,
Jr., Deputy Fire Chief (PM5153C),
Bayonne

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

CSC Docket No. 2023-1917

Examination Appeal

ISSUED: November 1, 2023 **(ABR)**

Robert Seeburger, Jr., appeals his score on the promotional examination for Deputy Fire Chief (PM5153C), Bayonne. It is noted that the appellant passed the examination with a final average of 92.600 and ranks second on the eligible list.

The subject promotional examination was held on May 7, 2022 and four candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises. Each exercise was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command: Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command: Fire Incident. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: technical score for the Incident Command: Non-Fire scenario, 24.42%; oral communication score for the Incident Command: Non-Fire scenario, 3.155%; technical score for the Supervision scenario, 14.170%; oral communication score for the Supervision scenario, 3.155%; technical score for the Administration scenario, 11.81%; oral communication score for the Administration scenario, 3.155%; technical score for the Incident Command: Fire Incident scenario, 36.98%; and oral communication score for the Incident Command: Fire Incident scenario, 3.155%.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, fire fighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs), including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable in the technical component for some scenarios, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

This examination was given using the chain oral testing process, and candidates were given 10 minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from no response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. 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."

For the Incident Command: Non-Fire Incident scenario, the appellant scored a 5 on the technical component and a 3 on the oral communication component. For the Supervision scenario, the appellant scored a 5 on the technical component and a 5 on the oral component. On the Administration scenario, the appellant scored a 4 on the technical component and a 5 on the oral component. Finally, for the Incident Command: Fire Incident scenario, the appellant scored a 3 on the technical component and a 5 on the oral component.

The appellant challenges his seniority score and his scores for the oral communication component of the Incident Command: Non-Fire scenario and the technical component of the Administration scenario. As a result, the appellant's test material, video recording and a list of PCAs for the scenarios were reviewed.

As to his seniority, 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 promotion to Battalion Fire Chief on May 6, 2010, and the closing date was February 28, 2022. His seniority score is 91.825. This reflects a base score of 70, plus 10 points for record of service, plus 11.825 for the 11 years, 9 months and 22 days he was a Battalion Fire Chief. Time spent in a provisional position or as an "acting" Battalion Fire Chief is

not added to seniority for any candidate. Accordingly, the record demonstrates that the appellant's seniority score of 91.825 is correct.

For the oral communication component of the Incident Command: Non-Fire Incident scenario, the assessor stated that the appellant displayed a major weakness in rate by speaking very quickly throughout his response and a minor weakness in organization by frequently correcting his train of thought mid-sentence. On appeal, the appellant argues that his rate of speech was warranted based upon the complexity of the scenario and the extent of the questions that he needed to answer within the 10-minute response period. He also asserts that he repeated information in order to be specific and show the importance of the actions he was completing. Finally, he avers that he corrected himself where necessary to ensure that he was hitting the proper technical points.

In reply, regarding the oral communication component of the Incident Command: Non-Fire Incident, the Civil Service Commission (Commission) finds that the record supports the assessor's determinations that the appellant displayed a major weakness in rate by speaking very quickly throughout his response and a minor weakness in organization by frequently correcting his train of thought mid-sentence. The appellant's rate of speech was noticeably brisk throughout Question 1. Additionally, the Commission observes that the appellant only left himself approximately one minute and 45 seconds to answer Question 2 and that the appellant, perhaps cognizant of the limited time remaining, began speaking at an even faster rate which made his response more difficult to discern. Indeed, if he were communicating at such a fast rate in the field, it could prove difficult for other fire fighters to comprehend his instructions. As such, his rate of speech was appropriately characterized as a major weakness. Similarly, a review of the appellant's presentation corroborates the assessor's determination that the appellant displayed a minor weakness in organization. The appellant's mid-sentence correction of his train of thought no fewer than five times during his presentation and his repetition of actions were appropriately characterized as displaying a minor weakness in organization. Therefore, the record supports his score of 3 on the oral communication component of the Incident Command: Non-Fire Incident.

The Administration scenario presents that the Fire Chief has tasked the candidate, who is a Deputy Fire Chief, with developing a committee to implement a mayoral plan to have the fire department provide resources to citizens during city-wide emergencies. The prompt notes that the mayor has developed this plan after receiving letters from civilians and civic groups that praised members of one fire station for providing such services after a significant weather event a year earlier. Question 1 for the scenario asks what specific actions should be taken to gather information that will be needed by the committee. Question 2 directs candidates to identify the specific goals and objectives that the committee should address in implementing this plan.

For the technical component of the Administration scenario, the assessor found that the appellant missed a number of PCAs, including the opportunity to tour the station praised by the mayor for its prior response and the surrounding area. On appeal, the appellant argues that his statement that he would review all National Fire Incident Reporting System (NFIRS) logbooks, and radio reports from the incident covers this PCA. In this regard, he maintains that in order to review logbooks, he would need to visit each fire station, as the logbooks are retained at the individual fire stations as legal documents. He further presents that he “later state[d] that [he] would interview and involve the crew in [his] committee to determine the actions that were taken during the storm.” The appellant also asserts that he addressed touring the area involved by stating he would go down to interview the residents involved and review the letters sent to the mayor.

In reply, it is noted that the appellant was credited with the PCAs of interviewing personnel of the station praised by the mayor and interviewing civilians who wrote the letters. However, the opportunity to tour the station praised by the mayor and the surrounding area was a distinct PCA for which the appellant did not receive credit. As noted above, candidates were told 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.” The statements referenced by the appellant on appeal are too general to credit him with identifying the PCA of touring the specific fire station and the surrounding area. Saying that he would “go out and perform some resident interviews,” does not in and of itself indicate that he would tour the subject fire station and the surrounding area. It simply conveys that he would interview community members somewhere outside of his normal worksite. Similarly, the statement that he would review logbooks and reports does not, by its terms, reasonably convey that he would be touring both the fire station and the surrounding area. As such, the Commission finds the appellant’s score of 4 on the technical component of the Administration scenario to be correct.

CONCLUSION

A thorough review of the 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 ON
THE 1ST DAY OF NOVEMBER, 2023

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