



STATE OF NEW JERSEY

In the Matter of Jeray Walker,
Battalion Fire Chief (PM3388C),
Newark

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

CSC Docket No. 2023-1919

Examination Appeal

ISSUED: March 20, 2024 (ABR)

Jeray Walker appeals his score on the promotional examination for Battalion Fire Chief (PM3388C), Newark. It is noted that the appellant passed the examination with a final average of 80.070 and ranks 26th on the eligible list.

The subject promotional examination was held on May 23, 2022, and 39 candidates passed. 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 multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios: Supervision, Administration and Incident Command. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission (Commission), which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data. 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."

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical scoring procedures. Each of these SMEs were current or retired fire officers who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. Candidates were also assessed by three Commission employees trained in oral communication assessment. 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 assessor also noted any weaknesses that detracted from the candidate's overall oral communication ability. Each assessor 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.

On the Supervision scenario, the appellant scored a 4 on the technical component and a 4 on the oral communication component. On the Administration scenario, the appellant scored a 3 on the technical component and a 4 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 3 on the technical component and a 4 on the oral communication component.

The appellant challenges his scores for the technical components of the Administration and Incident Command scenarios. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenarios were reviewed.

The Administration scenario involves the candidate investigating an incident between Fire Fighter Hernandez and a Police Officer which culminated in the arrest of Fire Fighter Hernandez at the scene of a car accident where the candidate was serving as the incident commander. Question 1 asks what specific steps the candidate would take to investigate the incident between Fire Fighter Hernandez and the Police Officer. Question 2 states that the candidate has learned that Fire Fighter Hernandez is considering filing a civil suit and asks the candidate what actions should be taken concerning Fire Fighter Hernandez based upon this new information.

On the Administration scenario, the SME indicated that the appellant missed a number of PCAs, including, in part, the opportunity to review the National Fire

Incident Reporting System (NFIRS) and the opportunity to interview Fire Fighter Hernandez separately. Based upon the foregoing, the SME awarded the appellant a score of 3 for the technical component. On appeal, the appellant proffers that he covered this by indicating he would use standard operating procedures (SOPs), memos, Department of Transportation (DOT) and other guidelines pertaining to the incident. He states that his department uses NFIRS for fire incidents only and that fire incidents are the base of the program database. As to the opportunity to interview Fire Fighter Hernandez separately, the appellant maintains that he covered that action by stating that he would meet with all involved parties and get statements and facts about what transpired, which would necessarily include Fire Fighter Hernandez. Finally, he submits that he did not explicitly name Fire Fighter Hernandez because of time constraints.

In reply, the PCA for reviewing NFIRS contemplates a review of incident reports involving similar situations. Such research would be an integral part of an investigation into an incident such as the one presented in this scenario. Thus, even assuming, *arguendo*, that the appellant's jurisdiction uses NFIRS for fire incidents alone, it was still reasonable to expect him to indicate that he would research reports of analogous incidents. Here, because the appellant failed to indicate that he'd research reports involving incidents in some way, he was appropriately denied credit for the subject PCA. As to the opportunity to interview Fire Fighter Hernandez separately, as noted above, 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." Here, the appellant's statements were too general to convey that he would specifically interview Fire Fighter Hernandez separately. As such, he was correctly denied credit for that PCA. Based upon the foregoing and the other PCAs the appellant failed to identify, the appellant's oral communication component score of 3 for the Administration scenario is affirmed.

The Incident Command scenario involves a response to a fire at a local auto parts store and auto repair shop. Question 1 asks what specific actions the candidate would take upon arriving at the scene. The prompt for Question 2 indicates that while crews are involved in extinguishment operations, an explosion occurs on Side C, emergency radio traffic is transmitted by a fire fighter and structural damage is now visible on Side C. Question 2 asks what specific actions the candidate should now take based upon this new information.

On the technical component of the Incident Command scenario, the assessor found that the appellant, in relevant part, failed to identify the mandatory response of establishing command in response to Question 1 and failed to identify a number of additional opportunities, including the opportunity to establish a collapse zone in response to Question 2. Since the appellant missed a mandatory response but identified a significant number of additional responses, the assessor awarded the

appellant a score of 3 pursuant to the flex rule¹. On appeal, the appellant argues that he indicated during a specified point in his response that he would establish a collapse zone.

In reply, the appellant's appeal of his Incident Command scenario technical component score is moot. The appellant does not dispute that he failed to identify the mandatory response of establishing command in response to Question 1. Rather, his challenge involves a contention that he should have been awarded credit for the additional response of establishing a collapse zone. As noted above, the appellant was awarded a score of 3 in accordance with the flex rule. Since, pursuant to the flex rule, a candidate who provides many additional responses, but does not give a mandatory response, cannot be provided a score higher than 3, even if the appellant had been credited with the additional response of establishing a collapse zone, his score would remain unchanged at 3. Therefore, the appellant has failed to sustain his burden of proof and his score of 3 for the technical component of the Incident Command scenario is affirmed.

CONCLUSION

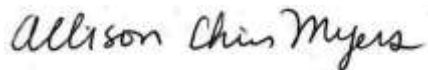
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 20TH DAY OF MARCH, 2024



Allison Chris Myers
Chairperson
Civil Service Commission

¹ Generally, candidates must identify all mandatory responses to receive, at minimum, a score of 3. However, a score of 3 may also be achieved via the "flex rule," where a candidate provides many additional responses, but does not give a mandatory response. However, a score higher than a 3 cannot be provided utilizing the flex rule.

Inquiries
and
Correspondence

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

c: Jeray Walker
Division of Administrative and Employee Services
Division of Test Development, Analytics and Administration
Records Center