



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert Fanholz Jr.,
Battalion Fire Chief (PM1489T),
Asbury Park

Examination Appeal

CSC Docket No. 2017-1404

ISSUED: **DEC 23 2016** (RE)

Robert Fanholz Jr. appeals his score on the examination for Battalion Fire Chief (PM1489T), Asbury Park. It is noted that the appellant passed the examination with a final average of 82.000 and ranked third on the eligible list.

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 70 multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios; a Supervision, Administration and Incident Command scenario. All candidates received the same multiple-choice exam, but differing versions of the oral exercises were given based on the day the oral exam was administered. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the oral portion, candidates had 60 minutes to prepare for all three scenarios and had 10 minutes per scenario to present their response. For all three oral exercises, the candidate was to assume the role of a Battalion Fire Chief. Candidates were scored based on the content of their response (technical) and the how well they presented their response (oral communication). Both of these dimensions were scored on a scale of 1 to 5 with 1 being the lowest rating and 5 being the highest rating.

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral

communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. 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 SME also noted any weaknesses that detracted from the candidates overall oral communication ability. The SME 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.

For the technical and oral communication components of the Supervision, Administration and Incident Command scenarios, the appellant received scores of 5, 3, 4 and 4, 5, 5, respectively.

The appellant challenges his scores for the oral communication component of the Supervision scenario and the technical component of the Administration scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for each scenario was reviewed.

For the oral communication component of the supervision scenario, the SME noted a weakness in specificity. It was stated that his response was too general and failed to convey how actions would be carried out. As an example, he indicated that he would discipline but did not explain the level of the discipline for the offense. On appeal, the appellant states that he recommended termination and sent the outcome of the investigation, and this recommendation, to the Chief.

In reply, the orientation guide that was available to each candidate indicated that oral communication, the ability to communicate clearly and concisely, was a component of this portion of the exam. One factor in oral communication is specificity, and a weakness in specificity is a response that is general or lacking the detail necessary to fully address the PCAs. Another factor is grammar/word usage,

which is defined as using appropriate words and using sentences that are grammatically correct.

In response to question 2, the appellant asked for the police to conduct an investigation. With regard to discipline, the appellant stated, "I would consult the department lawyer, explain him the, the incident. Explained to him the results of the investigation and consult him for remediation. I will have a follow up meeting with Captain Conner. Again, allow him union representation and offer him the employee assistance program. Explain him the department policies for, for reporting to department injuries and safe procedures for training. I would then recommend the appropriate discipline with termination due to, due to the severity of the infraction. I will tell him of his expectations that he was a good ah, officer and he should have followed the department SOGs. I will then document the incident, notify the chief of the department, and forward a copy to the training officer as well. That's how I would answer questions one and two." In his dialogue, the appellant stated he would "recommend the appropriate discipline *with* termination." This suggests that he would give "appropriate discipline" AND termination. If he meant that he would recommend termination, he should have said so, or stated, "appropriate discipline *as* termination." Additionally, his sentences contained other grammatical errors, such as omitting words or using incorrect words. His score of 4 for this component is correct.

The Administration scenario indicated that there was a long delay of apprehension of the individuals involved in a rash of arson incidents in a neighboring town due to mismanagement of evidence by the firefighters in that jurisdiction. The Fire Chief wants to take proactive action against this possibility, particularly considering that the Standard Operating Procedures/Guidelines (SOPs/SOGs) have not been updated in over eight years. The Fire Chief asks the newly appointed Battalion Fire Chief to update and revise the SOPs/SOGs to reflect current standards. The question asked candidates to base their responses on the text *The Fire Chief's Handbook*, and their experience. Question 1 asked for initial steps to take to update scene security SOPs/SOGs. Question 2 asked what should be included in a SOP/SOG dealing with scene security.

For this question, the SME noted that the appellant missed the opportunities to seek input from the law department (question 1) and to indicate that, if something must be moved, they should memorize or mark the original location (question 2). On appeal, the appellant stated that he said he would form a committee to review the SOGs consisting of the training officer, safety officer, police department and Fire Marshal.

In reply, in response to question 1 the appellant stated, "I would then appoint a committee to develop an SO...new SOG. The new committee would include but not limited to a training officer, the police department, a safety officer, and other, any

other, ah Fire Marshal any other pertinent personnel deemed necessary.” For this response, the appellant received credit in question 1 for forming a committee from all ranks of the fire department. However, including the “police department” in this committee is different from seeking input from the law department. Candidates were required to state what they meant, and they did not receive credit for inferences. If the appellant wanted legal input to update scene security SOPs/SOGs, he needed to vocalize that response in his presentation. It cannot be inferred that he did so because he included the police department in a committee. The appellant missed the other action noted by the SME, and his score of 3 for this component will not be changed.

CONCLUSION

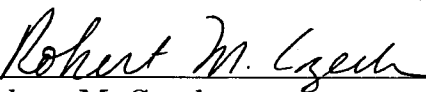
A thorough review of appellant’s submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 21st DAY OF DECEMBER, 2016



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