



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Steven Spurr,
Battalion Fire Chief (PM1510T),
Union Township

CSC Docket No. 2017-1431

Examination Appeal

ISSUED: **DEC 23 2016**

(RE)

Steven Spurr appeals his score on the examination for Battalion Fire Chief (PM1510T), Union Township. It is noted that the appellant passed the examination with a final average of 83.750 and ranks fifth 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 3, 3, 5 and 5, 4, 3, respectively.

The appellant challenges his score for the technical component of the Supervision scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenario were reviewed.

The Supervision scenario concerned two subordinates of a newly appointed Battalion Fire Chief. Captain Clark and Captain Zuniga have been having trouble working together and differ on many points about how duties should be divided among the companies, such as how and when the station should be cleaned and what groceries should be brought in and by whom. These problems seem trivial, but they have started the spill over into other areas of work. For example, they fail to coordinate training sessions when both companies should be training together, and there have been disagreements at emergency scenes. The candidate has spoken to both of them informally about the need to get along, but now the situation is out of control. The candidate walks into a lunchroom where they are in a shouting match in front of several fire fighters. Captain Zuniga calls Captain Clark a very strong expletive and Captain Clark retaliates by calling Captain Zuniga a racial slur. The scenario asked candidates to answer the questions based on the text *Managing Fire*

and Emergency Services and their experience. Question 1 asked for specific actions to be taken now and in the future. Question 2 indicated that, after preliminary actions, relations have not improved between the two Fire Captains. In fact, it seems that the situation is worse because now there are problems between the members of their respective fire companies. Question 2 asked for specific actions that should now be taken based on this new information.

For this question, the SME noted that the appellant missed the opportunities to interview the Battalion Fire Chief [formerly] assigned to his tour (question 1), and to schedule the Fire Captains for sensitivity training (question 1). On appeal, the appellant stated that he said he would schedule diversity training, which he states is the same as sensitivity training.

In reply, the appellant responded briefly to question 1 and did not schedule the Fire Captains for sensitivity training in response to question 1. In replying to question 2, the appellant stated, "Now, I've already given them an initial chance to work things out. It hasn't worked out. So now I am going to have to take it a step further. Um, they need to understand diversity in the workplace, they need to know rules and regulations regarding discrimination, and they need to know rules and regulations about fighting, you know, in the workplace. I'm not going to put up with it. I'm not going to allow it in the companies. So, if this is not going to be taken care of now, I'm, I'll take it again, as I said earlier, a step further." From this response, the appellant has told the Captains in the meetings that they need to know rules and regulations regarding discrimination. However, this is not the same as scheduling sensitivity training. The instructions in the scenario tell candidates to be as specific as possible and not to assume or take for granted that general actions will contribute to a score. The appellant is clear about the problem, the Captains need to know rules and regulations regarding discrimination, but he does not schedule the training. The appellant stated that he would work to rectify the situation, and if it could not be fixed he would transfer the Captains. He then discussed problems within the companies and mentioned new Captains. After this, he set up training for the companies in diversity and discrimination in the workplace. For that response, he received credit for scheduling the members of both companies for sensitivity training, which was an additional response to question 2. However, he did not indicate he would schedule the Fire Captains for sensitivity training in response to question 1, and he trained the companies after mentioning that the Captains might be transferred. The appellant missed the action noted by the SME, and his score of 3 for this component is correct.

CONCLUSION

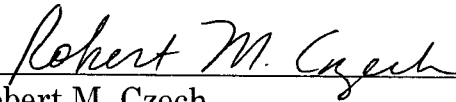
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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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