



STATE OF NEW JERSEY

In the Matter of Brian Butler,
Battalion Fire Chief (PM3398C),
Trenton

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

CSC Docket No. 2023-2075

Examination Appeal

ISSUED: March 20, 2024 (ABR)

Brian Butler appeals his score on the promotional examination for Battalion Fire Chief (PM3398C), Trenton. It is noted that the appellant passed the examination with a final average of 87.810 and ranks fifth on the eligible list.

The subject promotional examination was held on May 19, 2022, and 15 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.

Each oral examination question, and overall oral communication, was rated on a five-point scale, with 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.

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 4 on the technical component and a 5 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 5 on the technical component and a 3 on the oral communication component.

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

The Administration scenario involves the candidate being tasked with investigating an incident and revising the department's current pre-incident action plan procedures following a call where a pre-action plan failed to reflect a building's conversion and the addition of partition walls inside of the structure. Question 1 asks what specific steps the candidate would take to investigate the incident and the lack of updated pre-incident action plan procedures. Question 2 asks what should be

included in updated pre-incident action plan standard operating guidelines/procedures (SOGs/SOPs).

The SME awarded the appellant a score of 4 on the subject technical component, finding that he failed to identify several PCAs, such as including the frequency of inspections in pre-incident action plan SOGs/SOPs. On appeal, the appellant argues that he should have been credited with the PCA of identifying the frequency of inspections based on his statements that he'd "review prior CAD reports, prior building surveys" and that he "would consult with the fire inspection office, code enforcement, commerce and building inspections to get more information, change of occupancy visits."

In reply, it is observed that the statements cited by the appellant correspond to actions that would be taken to investigate the incident and the lack of updated pre-incident action plan procedures in response to Question 1¹ but the PCA he missed would actually be for what should be included in updated SOGs/SOPs in response to Question 2. Beyond this, a review of his presentation fails to demonstrate that he otherwise addressed the PCA at issue. Accordingly, his technical component score of 4 for this 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 The appellant was credited with the appropriate PCA in response to Question 1.

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