



STATE OF NEW JERSEY

In the Matter of Brad Fleischman,
Battalion Fire Chief (PM3395C),
Rahway

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

Examination Appeal

CSC Docket No. 2023-1857

ISSUED: March 20, 2024 (ABR)

Brad Fleischman appeals his score on the promotional examination for Battalion Fire Chief (PM3395C), Rahway. It is noted that the appellant passed the examination with a final average of 82.910 and ranks third on the eligible list.

The subject promotional examination was held on May 25, 2022, and four 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 3 on the technical component and a 5 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.

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

The Incident Command scenario involves a response to a report of fire at a local movie theater, part of which is in the process of a renovation. Question 1 asks what specific actions the candidate would take upon arriving at the scene. The prompt for Question 2 states that the party wall separating two theaters collapses during firefighting operations, trapping two firefighters. Question 2 then asks what specific actions the candidate should now take based on this new information. The SME found that the appellant failed to identify the mandatory response of ensuring proper

transfer of command and that he missed several additional opportunities, including ensuring monitoring of the air. Because the appellant identified a significant number of additional responses, but failed to identify one mandatory response, the SME utilized the “flex rule” to award the appellant a score of 3 on the technical component of the Incident Command scenario¹.

On appeal, the appellant argues that he should have been awarded credit for monitoring the air, as he stated at a specified point in his presentation that he would request a HAZMAT team for air monitoring and possible decontamination. Additionally he proffers that he also covered this PCA by stating later in the scenario that after placing the fire under control he would conduct a Personnel Accountability Report and that he would check for carbon monoxide levels in the structure.

In reply, the appellant does not dispute that he failed to cover the mandatory response of ensuring a proper transfer of command and a review of the recording of his presentation confirms that he failed to cover this mandatory action. Even assuming, *arguendo*, that the statements cited by the appellant were sufficient to award him credit for the additional response of monitoring the air, it would not alter his score. Specifically, because he missed a mandatory response, pursuant to the flex rule, he cannot be awarded a score higher than 3 under these circumstances.

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.

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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20TH DAY OF MARCH, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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: Brad Fleischman
Division of Administrative and Employee Services
Division of Test Development, Analytics and Administration
Records Center