



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of Michael Auble,
Battalion Fire Chief (PM1490T),
Atlantic City

CSC Docket No. 2017-1265

ISSUED: JAN 23 2017

(RE)

Michael Auble appeals his score on the examination for Battalion Fire Chief (PM1490T), Atlantic City. It is noted that the appellant passed the examination with a final average of 84.590 and ranked ninth 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, 1 and 3, 4, 4 respectively.

The appellant challenges his scores for the oral communication component of the Supervision scenario and the technical components of the Administration and Incident Command scenarios. He also appeals his seniority score. As a result, the appellant's test material and a listing of possible courses of action for the scenarios were reviewed.

As to seniority, the appellant received a seniority score of 94.172. He requests to be credited with three months of time as a Battalion Fire Chief. Official records indicate that the appellant held a temporary appointment from March 2008 to April 2008. Seniority is based on the time from the regular appointment date (to the eligible title) to the closing date of the announcement, minus the time spent on layoffs and leaves of absence without pay, plus the record of service less any suspensions. A review of scoring indicates that the appellant received credit from August 1, 2001 to the September 30, 2015 closing date. His time in a temporary appointment as a Battalion Fire Chief was not deducted, and will not be added again. The appellant's seniority score is correct.

For the oral communication component of the Supervision scenario, the SME noted that the appellant showed weaknesses in word usage/grammar, and non-verbal communication. For word usage/grammar, it was noted that the appellant used "ah" and "um" too frequently; as well as used "you know" too much. For non-verbal communication, it was noted the appellant played with his pen throughout the presentation. On appeal, the appellant states that he correctly used his pen as a pointer, without fiddling with it or not controlling it. He believes this to be acceptable. Also, the appellant states that he presented information clearly, and used "um" and "ah" to pause in his thinking.

In reply, this was a formal examination setting, and candidates were required to state what they meant at an appropriate rate, and with no distractions. A factor in oral communication is nonverbal communication. A weakness in this factor is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Another factor is grammar/word usage, which is defined as using appropriate words and using sentences that are grammatically correct.

As to word usage/grammar, it is not acceptable to present many distracting verbal mannerisms, such as "ah." Candidates were given scenarios, and a question or questions for each scenario, and were required to provide direct answers to those questions maintaining a consistent flow of information. There is a well-known phenomenon of hesitational disfluency that can afflict a speaker trying to cope with the pressures of immediate processing, and some level of disfluency is acceptable when it does not affect the continuity of a presentation. At some point, however, the use of distracting verbal mannerisms is not acceptable. Further, it is noted that test conditions were standardized in their application to all candidates, *i.e.*, nonverbal communication was assessed for all candidates.

A review of the appellant's presentation indicates that he repeatedly used distracting verbal mannerisms, and the expression "you know," in his presentation. For example, he stated, "Um, you know, just make him at ease. You know, he shouldn't have a problem. I wouldn't even, for the first part of this question, I wouldn't, I would document that I had a meeting with him. I wouldn't hold him accountable 'cause he's gonna be just fine. He's gonna figure it out." In this passage, the appellant also uses grammatically incorrect sentences and improper diction. At another point, the appellant stated, "Is he, is he ah having problems? Have, just get his side of the story, see what he thinks about all that. Um, once, you know, he was clear, tell us about what he would, how's he doin' and what his problems might be we could come up with a solution together. You know, maybe offer him some other reading material. Um, give him some personnel experience to get him back up 'cause he's a good officer. I don't want to lose him to a slowed down company where, you know, the company's taking advantage of anybody." The appellant does not complete

some sentences, and switches thoughts in mid-sentence. His presentation has a weakness in word usage/grammar as noted by the SME.

Next, candidates were permitted to do such things as hold a pen, but a review of the appellant's presentation indicates that he fidgeted throughout the presentation. This included pushing his notes forward and pulling them back, waving his hands, dropping his hands to the table, hitting his notes with his pen, flipping the pen, pointing it up in the air, waving the pen in circles, adjusting his glasses, counting with his thumb and forefinger, twisting the pen in his hands, twisting the pen cap around the pen, tapping the point of the pen on the paper, hitting his finger with the pen to count, and interlacing his fingers with the pen still in his hands and pointing outward. He moved his hands and the pen almost continuously. He did not use the pen in a controlled manner just to point at information in his notes as he describes. The appellant's presentation had a weakness in non-verbal communication, and his score for this component is correct.

The Administration scenario involved a complaint from the Police Chief that a group of firefighters used foul language and berated police officers to get the crowd to move further away from an emergency scene. As a result, a fight almost broke out between the two groups. The candidate was not present at this instance. The Fire Chief has asked the candidate to investigate the incident and recommend necessary corrective action. Candidates were informed to base their responses on the text *The Fire Chief's Handbook* and from their experience. Question 1 asked for specific steps to be taken to investigate their Police Chief's claims about the actions of the fire fighters. Question 2 indicated that, upon finalizing the investigation, the candidate finds that the firefighters acted exactly as described in the Police Chief's letter. Based on this new information, the Fire Chief asked the candidate to create Standard Operating Guidelines/Procedures (SOGs/SOPs) regarding communication with outside agencies and the public. This question asked for initial steps to take to create this SOG/SOP.

For this scenario, the SME indicated that the appellant missed the opportunities to search for any media regarding the incident (question 1), and to seek advice from neighboring jurisdictions (question 2). On appeal, the appellant argues that he stated that he would form groups and committees to find policy and common ground, specifically mentioning the need for internal communities such as department groups and city groups and committees. He stated that this would include city policy derived from internal and surrounding jurisdictions. As to the media, the appellant indicated that his responses and solutions to this question were very extensive and did not warrant the removal of 1 point when so many other actions were given.

In reply, a review of the appellant's presentation and related examination material indicates that the appellant began his response to question 1 with appropriate actions to take to investigate the Police Chief's claims. Then he added additional information

which was not responsive to the question as to how he would handle the firefighters' behaviors. He had a meeting with them and told them that their behavior was not acceptable, he documented the meeting, held them accountable, and indicated he had an open door policy. All of this information was superfluous, as it was not a direct response to the questions. The appellant did not take the applicable action of searching for any media regarding the incident. Regarding question 2, the appellant received credit for forming a committee, seeking input from outside agencies, and seeking advice from the legal department. Nevertheless, these are the only applicable actions he took to create this SOG/SOP. He did not seek advice from neighboring jurisdictions. The appellant cannot receive credit for this action by indicating that he was seeking input from "city groups," as this is not specific. Instructions to candidates, which were printed after the questions in each booklet and read to each candidate aloud by the room monitor, stated, "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." If the appellant meant to seek advice from neighboring jurisdictions, he needed to have call them neighboring jurisdictions and not "city groups." The appellant added other steps, which were not initial steps, such as implementing, documenting, and monitoring the plan. Again, this was not responsive to the question, and the appellant missed other initial steps that he could have taken to create the SOG/SOP. The appellant provided enough actions so that his presentation was acceptable, which warrants a score of 3, but it was not more than acceptable. The appellant's score for this component will not be changed.

In the Incident Command scenario, the candidate is dispatched to a report of a fire at a local hardware store. It is 2:00 PM on a Saturday in June, 65° Fahrenheit, and wind is blowing from east to west at 10 miles per hour. The fire building is 1½ stories, and of lightweight wood-frame construction, measuring 45 feet by 90 feet. A cellar used for storage runs the entire length of the building and is accessed by a staircase on side C. There are two residential buildings approximately 10 feet away from the involved building on side B. Upon arrival, the candidate sees smoke emanating from side C, and an employee indicates that a fire started in the cellar and has extended to the first floor of side C while they were in the middle of accepting a shipment of propane tanks from a delivery truck. This employee states that not all employees are accounted for more. Directions to candidates were to base their responses on the text *Fire Officer's Handbook of Tactics* and their experience. Question 1 asked for specific actions upon arriving on the scene. Question 2 indicated that, while personnel are involved in evacuation and extinguishment operations, there is an explosion near side C of the building with one Mayday being broadcasted. Question 2 asked what specific action should be taken now based on this new information.

For the technical component, the SME indicated that the appellant failed to acknowledge the Mayday, and failed to activate the Rapid Intervention Team/Crew (RIT/RIC). These were mandatory responses to question 2. He also noted that the appellant missed the opportunity to set up a collapse zone due to early collapse

potential (question 1). On appeal, the appellant argues that he spent significant time setting up the Incident Command System, but that he requested a rescue group for firefighter rescue, and indicated concern for firefighter safety. He indicates that he sounded evacuation tones and used flanking hose lines.

In reply, the appellant does not indicate that he took the mandatory responses listed by the SME, and a review of the appellant's presentation indicates that he did not take them. In response to question 2, the appellant received credit for sounding evacuation tones, which was an additional response. However, nothing can be assumed by taking this action. Asking for a rescue group for downed firefighters and possible victims in response to question 1 is not the same as *activating* the RIT based on the new information given in question 2. Additionally, using flanking hose lines in response to the explosion in question 2 is not the same as setting up a collapse zone due to early collapse potential as an action to be taken upon arrival at the scene in response to question 1. In response to question 2, the appellant had flanking hoses and rescued surface victims, but then he stated that all victims would go through "decon," with medical monitoring. The appellant began his response to question 2 after the two-minute mark, and after giving the actions above, he provided specific actions he would take to finish the scene such as demobilizing, and turning the scene over to the Manager. He did not provide specific actions to address the Mayday being broadcasted, such as acknowledging the Mayday and activating the RIT. As the appellant missed two mandatory responses, his score of 1 is appropriate.

CONCLUSION

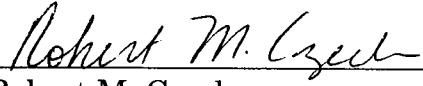
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
ON THE 18th DAY OF JANUARY, 2017


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