

respond to each. For the Arrival scenario, a five-minute preparation period was given and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, fire fighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable in the technical component for some scenarios, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

Candidates were 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. For each of the scenarios, and for oral communication, the requirements for each score were defined. For the Evolving scenario, the appellant scored a 5 for the technical component and a 3 for the oral communication component. For the Administration scenario, the appellant scored a 3 for the technical component and a 3 for the oral communication component. For the Arrival scenario, the appellant scored a 5 for the technical component and a 5 for the oral communication component.

The appellant challenges his scores for the oral communication components of the Evolving and Administrative scenarios. As a result, the appellant's test material, audiotape, and a listing of possible courses of action for the scenarios were reviewed.

For the oral communication component of the Evolving scenario, the assessor noted that the appellant had weaknesses in nonverbal communication, inflection/rate/volume, and confidence. For nonverbal communication, the assessor indicated that the appellant held up his notes throughout the presentation, and his eye contact was on his notes and the ceiling. For inflection/rate/volume, the assessor indicated that he "stumbles" throughout the presentation, and for confidence, the assessor provided examples. He indicated that the appellant stated, "I announced all companies, right?" "I'd probably call Hazmat," and "At some point I'd like to decentralize." On appeal, regarding nonverbal communication, the appellant stated that he closed his eyes at one point while he was deep in thought and held his notes away for vision reasons. He adds, "also for minor inconsistencies in my Hazmat and decentralizing in the scenario."

In reply, the appellant confuses these assessor notes with those of the administrative scenario, where that assessor indicated that he closed his eyes. Additionally, he does not provide a coherent appeal regarding the weakness in confidence as noted by the assessor. A weakness in confidence is defined as failing to demonstrate certainty about his position, and using words such as "might" or "could" instead of such words as "will" and "must." Demonstrating confidence and certainty is observable by the use of pauses to reorganize, through demeanor, by word usage, and by actions. A review of the appellant's presentation indicates that he took actions and used words which demonstrated a lack of confidence, as indicated by the examples used by the assessor. The assessor was not pointing out minor inconsistencies, but a hesitancy regarding calling Hazmat, and when the appellant would decentralize. These are examples of lack of confidence. Additionally, he stated, "They will vent horizontally and vertically. They would cut a hole over the fire if need be and only if ordered to by myself or command, over the fire and only probably from safety of, of the bucket. I gotta see what kind of conditions are in there." In the first sentence, he indicates that vertical ventilation would occur. In the second, he indicates the vertical ventilation would occur "if need be" or if he ordered it, but he did not say that he would order it. The stated that they "probably" would be in the bucket. Such indecisiveness is indicative of a weakness in confidence, as noted by the assessor.

As to nonverbal communication, a weakness in nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. The appellant sat away from the table and held his notes up in front of him. He glanced at the assessor occasionally, but the majority of the time, he was looking at his notes. Sometimes, he looked between the assessors, and he provided a portion of his response while looking at the ceiling. He held a pen in his right hand, and at some point, he began clicking the top of it while talking to the ceiling. And then put his notes in his right hand and continued responding while looking down at them. When he put his notes back in his left hand, he started clicking the pen again. This behavior, and his eye contact, were distractions from the presentation. His score of 3 for this component is correct.

For the oral communication component of the Administration scenario, the assessor indicated that the appellant exhibited weaknesses in word/usage grammar and organization. It was noted that the appellant excessively used "um" and "ah" in his presentation, at least 40 times, and misspoke occasionally. It was also noted that he paused where he either stated that he was trying to remember something and could not, or stopped speaking and closed his eyes as he tried to think of a word or an answer. His response to question 1 was off topic and did not address the actual situation in the scenario. The appellant argues that he was deep in thought when he closed his eyes. As to organization, he stated he was implementing a hazing program as the orientation guide indicated that the administration scenario

was designed to measure the ability to implement a program and handle the problem associated with it.

In reply, a weakness in organization is defined as failing to present ideas in a logical fashion, to state a topic, and to provide supporting arguments as well as a conclusion or summary. The orientation guide provides general direction, but candidates are required to answer the specific questions given to them after the scenario. The instructions at the end of the question, and read to every candidate, state, "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." The first question asked for specific actions to take to address the situation: it did not ask for how to implement a program. The appellant read the first question and said he would meet with the Chief to have a program to address hazing in the fire department. He then sent out a memo to indicate that he was running a hazing program, and he established a committee and assigned responsibilities. He continued to discuss aspects of the program, indicating that he would set deadlines, set goals, find resources, look at budgeting, and start a pilot program. He then implemented, monitored, and evaluated the program. After stating that he would revise the program, he stated, "That con... um, one more thing I wanted to add on here and now I can't remember what it is." He then stated he was answering the next question. Question 1 asked for actions to address the situation. The appellant's general response indicated that he was following his own agenda rather than addressing the situation.

Question 2 indicated that the lieutenant made derogatory comment towards the firefighter in front of the rest of the crew and that he assumed that the firefighter was the one who told the candidate about the hazing incident. This question asked for additional actions that should now be taken. In responding to question 2, the appellant gave initial actions applicable for question 1. He then began to address the situation with applicable actions, *i.e.*, he gave appropriate responses to question 1. Nevertheless, question 2 asked for further actions to take in response to the additional information given. Basically, the appellant did not address the situation initially, but did so when the situation progressed, and he missed various actions he could have taken in question 2 to address the progression of the incident. This weakness in organization detracted from the presentation.

Additionally, the appellant's presentation contained a weakness in nonverbal communication. A review of the presentation indicates that the appellant spent a significant amount of time looking at the notes he held in front of him. He also glanced repeatedly at the ceiling, sometimes while speaking full sentences. At one point the appellant said, "I would ah..." He then paused, tilted his head back and closed his eyes. He paused for four seconds, then said, with eyes still closed, "Told, explain to him what's acceptable and what's unacceptable." He then opened his

eyes and looked back at his notes and continued. This was a formal examination setting, and whether the appellant was deep in thought or merely searching for an answer, closing the eyes during a presentation is a distraction. The appellant's presentation contains the weaknesses noted by the assessor, and his score for this component is correct.

CONCLUSION

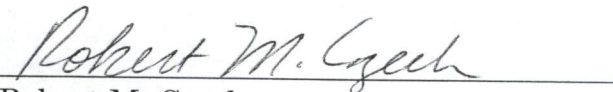
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 17th DAY OF MAY, 2017



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