



B-5

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Eric Grace,
Fire Captain (PM0457U),
Margate

Examination Appeal

CSC Docket No. 2017-2823

ISSUED: JUN 26 2017

(RE)

Eric Grace appeals his score for the oral portion of the examination for the second-level Fire Captain (PM0457U), Margate. It is noted that the appellant passed the examination with a final average of 89.070 and ranks second on the eligible list.

It is noted for the record that this two-part examination consisted of a written multiple-choice test and an oral examination. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: written multiple choice portion, 34.91%; technical score for the Evolving Scenario, 27.11%; oral communication score for the Evolving Scenario, 1.75%; technical score for the Administration of Procedures Scenario, 10.75%; oral communication score for the Administration of Procedures Scenario, 2.5%; technical score for the Arrival Scenario, 21.23%; and oral communication score for the Arrival Scenario, 1.75%.

The oral portion of the second level Fire Captain examination consisted of three scenarios: a fire scenario simulation with questions designed to measure the ability to assess risk factors and strategies involved in fireground command (Evolving); a simulation designed to measure the ability to implement a program and the factors/problems associated with program administration (Administration); and a fire scenario simulation designed to measure the risk factors and strategies associated with an incident that could potentially involve a hazardous material (Arrival). For the Evolving and Administration scenarios, candidates were provided with a 25-minute preparation period for both, and candidates had 10 minutes to

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 4 for the technical component and a 1 for the oral communication component. For the Administration scenario, the appellant scored a 5 for the technical component and a 4 for the oral communication component. For the Arrival scenario, the appellant scored a 5 for the technical component and a 3 for the oral communication component.

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

The Evolving scenario involved a report of smoke coming from a brick and wood joist ranch home built in the 1960s. The candidate is the interior division supervisor. An occupant indicates that the fire started in the bathroom over the garage, which was under renovation. The question asked for initial actions both in route and upon arrival as the interior division supervisor. In the evolution of the scene, a member of the candidate's crew falls through a section of the floor under renovation, possibly through to the garage. This question asked for actions that should be taken and requests to the Incident Commander (IC) to address the situation.

For the technical component of the Evolving scenario, the assessor noted that the appellant missed the opportunity to notify all personnel of the unstable bathroom

floor, which was an additional response to question 2. On appeal, the appellant argues that he exercised a Mayday.

In reply, in this scenario, the candidate is not the IC, but is the interior division supervisor. As such, the candidate is responsible for notifying all personnel of the unstable bathroom floor. Calling for a Mayday is a separate and mandatory response for which the appellant received credit. Instructions to candidates stated, "in responding to these questions, do not assume or take for granted that general actions will contribute to your score." The appellant did not notify all personnel of the unstable bathroom floor, as noted by the assessor, and his score of 4 for this component is correct.

For the oral communication component, the assessor noted that the appellant had weaknesses in word usage/grammar, nonverbal communication, inflection/rate/volume, and confidence. He indicated that, for word usage/grammar, the appellant's presentation contained up to 60 "ums" and "ahs." For nonverbal communication, the assessor indicated that the appellant looked directly from his notes throughout the presentation. For inflection/rate/volume, the assessor indicated multiple "stumbles" throughout the presentation, and for confidence, the assessor stated that the appellant used "maybe" throughout the presentation. He provided examples. On appeal, regarding confidence, the appellant stated that there were "unknowns" with the information given the scenario, and he provided options. Additionally, he questions how he received a 1 on this component while receiving a 4 on the technical component.

In reply, in regard to the difference in scoring of both components for these scenarios, the components measured in the oral examination are viewed as independent and are scored accordingly. Behaviors can be attributed to each component which are sufficiently distinguishable to warrant a unique score. Thus, candidates can completely answer the questions for the technical component, while exhibiting negative behaviors or weaknesses in the oral communication component. Or, candidates can fail to properly answer the questions for the technical component, while exhibiting no weaknesses in the oral communication component. As such, an independent score can be assigned for the technical and oral communication components within a performance. Thus, a candidate's behavior on one component cannot be used to score his behavior on another component, and is not reflective of a score for another component.

Next, the appellant takes umbrage with a weakness in his confidence. 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. The

appellant argues that he used "maybe" and "may" due to a lack of information in the scenario. However, a review of the appellant's presentation indicates that he took actions and used words which demonstrated a lack of confidence. For example, he stated, "Um, I would make sure that the ah crew is aware of our assignment and um, on the way in, if possible, maybe we could ah, get a 360 on the way in driving in." The appellant was given diagrams of the scene which shows that sides B and C of the structure are not roads. Also, the scenario indicates that side B faces a two-story residential structure, while side C faces a backyard with a pool and a garage for neighboring homes. This was enough information to determine if a 360° view the structure by driving by was possible. The appellant also stated, "I want engine 2 to, I'm, I'm not actually the, the ah, guy that's interior command. That's right, that's interior operations. I want to make sure that engine 2 when their arrival they secure a secondary water supply." Aside from grammatical errors, in this passage, the appellant is aware that he is not the Incident Commander (IC), but still he "makes sure" that engine 2 secures a secondary water supply.

Next, the appellant states, "Um, engine 5, my crew, we would ah prepare to go through the front door and ah with an inch and three quarter line and ah put water between us and any possible victims and any search, search crews that are operating. Um, and um, I want 'em ah (pause), yeah, put water between the fire and us and, and any possible victims and ah, the search crews or, or anybody else that's in, in the building. Try and eventually locate, confine and extinguish that fire if we can keep it to that side of the house and that corner." This passage does not reflect the definitive action of putting water between the fire and the victims. The appellant states that he will "try" to locate, confine and extinguish the fire "if" he can keep it to that side of the house. He states, "Ladder 5, I would want them to ah, assist in forcing entry if need be. Um, they could possibly split and ah perform ah ah some vent enter search if needed." The presentation is replete with examples of a lack of confidence and the appellant exhibited the other weaknesses noted by the assessor as well. His score of 1 for this component is correct.

For the oral communication component of the Administration scenario, the assessor indicated that the appellant exhibited a weakness in inflection/rate/volume as evidenced by his low volume and seemingly disinterested tone. It was noted that the appellant had a couple of pauses with the sigh at the end. The appellant argues that this was a subjective evaluation from a person that knows nothing of his history. He states that he was amused and confident in his response to the problem.

In reply, inflection/rate/volume is defined as speaking at an appropriate rate, maintaining appropriate pitch and volume, and properly using pitch to convey meaning or emphasis. A review on the appellant's video indicates that he seemed disinterested in the subject as his voice trailed lower as he finished a train a

thought. However, many of the pauses were preceded by "um" and "ah," and the appellant used distracting verbal mannerisms and incorrect grammar throughout the presentation. For example, he stated, "I would ah, make it known that ah hazing ah, you know, is not tolerated," and "Um, I would um, possibly EAP for, for ah, Firefighter Harper and maybe he's scarred by the incident. Um, um, um, Lieutenant Trout, he may there may be some, some sort of personal situation that why he's acting this way." Additionally, the appellant's presentation contained a weakness in nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. The appellant held his notes in front of him and only occasionally looked up at the assessors. Thus, in addition to the weakness indicated by the assessor, the appellant's presentation contained weaknesses in nonverbal communication and word usage/grammar. Thus, his score for this component should be reduced from 4 to 3.

For the oral communication component of the Arrival scenario, the assessor indicated a weakness in inflection/rate/volume, as numerous pauses detracted from the flow of his response, and in specificity. It was noted that the appellant would have the third alarm stage "somewhere nearby," he would call "DEP, EPA and what not," and he would have "a rehab station of some sort." On appeal, the appellant states that he did not have intimate knowledge of the building or the location represented in the scenario in order to properly locate staging for the third alarm. He states that the complete statement referenced staging in the parking lot across the street.

In reply, the orientation guide that was available to each candidate indicated that oral communication, the ability to communicate clearly and concisely, was a component of this portion of the exam. The appellant's lack of specificity was not based solely on one example. A review of the appellant's presentation indicates that the appellant stated the examples listed by the assessor for specificity. The appellant stated, "I would call for a second alarm. Third alarm for tactical reserve. I would want um, them to stage somewhere nearby. It looks like there's a nice big parking lot over there." The appellant never actually states that he would stage the third alarm in that parking lot. The appellant indicated he wanted a rehab station of some sort, and that he would call DEP, EPA and what not. He stated, "I could have ah, I could ah, possibly bring in another line and um, increase that and do ah, do ah, some ventilation on this building." This is a large concrete structure with small windows, and the appellant does not indicate how he intends to ventilate. He states, "I'm gonna say, (mumbles, what are the pictures here? what is the layout?) I want primary search and ah, done by the first ladder company (indecipherable) because of the size of this building. This ladder company is not, as far as interior ah, as far the work on the, on the location, I want to make sure that all, all my personnel have proper PPE um, ah, SCBA, PASS devices activated." In this

passage, the appellant starts to explain the search but does not provide any specifics before returning to explaining how the members would be prepared. The presentation contains the weaknesses noted by the assessor and he had very little eye contact as well. He rarely looked up, and spoke to the papers in front of him, even when the assessor asked him questions at the end of the presentation. As such, the appellant's score for this component should be changed from 3 to 2.

The Candidate Feedback Report given to each candidate at review, states that in order to pass the oral assessment exercise, the average raw score on both technical knowledge and oral communicative ability must be 2.5 or higher. With this change in scoring, the appellant's average raw score on the oral communicative ability is 2. Thus, the appellant has failed the examination

CONCLUSION

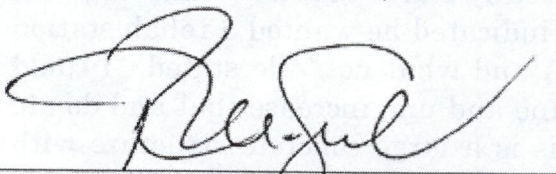
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the score for the oral communication component of the Administration scenario be reduced from 4 to 3, and the score for the oral communication component of the Arrival scenario be reduced from 3 to 2.

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 JUNE, 2017



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