



STATE OF NEW JERSEY

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

In the Matter of Andrew Ricciardi,
Deputy Fire Chief (PM3076U),
Paterson

CSC Docket No. 2018-139

Examination Appeal

ISSUED: September 11, 2017 (RE)

Andrew Ricciardi appeals his score on the examination for Deputy Fire Chief (PM3076U), Paterson. It is noted that the appellant passed the examination with a final average of 89.220 and ranked fourth on the resultant eligible list.

The subject promotional examination was held on April 18, 2017 and ten candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises; each was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command – Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command – Fire Incident.

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.

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. The appellant received the following scores for the technical component for each question, in order: 5, 5, 5, and 3. He received the scores of 5, 4, 5, and 4 for the oral communication components.

The appellant challenges his scores for the oral communication component for the Incident Command – Fire Incident scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Incident Command – Fire Incident scenario involved a building with heavy fire venting from the second and third floor Side A windows. There is also fire extending into the common attic space and to the exposure buildings from radiant heat. The fire building is part of a townhouse development. Each building consists of multiple townhomes separated by party walls.

For the oral communication component, the assessor noted that the appellant stated at least three different times that he would take defensive action, yet the comments made were offensive actions. On appeal, the appellant states that he utilized defensive operations in response to question 2. He states that he indicated he would go from a defensive operation to an offensive operation by entering the main fire building after the main body of fire was knocked down, and it was deemed a safe to overhaul and perform a search. The initial defensive operation on the main fire building was due to heavy fire conditions on multiple floors and his offensive operations mitigated the spread of fire from the main fire building to the bravo and delta exposures. He states that he did defensive operations on the main fire building an offensive operations on the exposures simultaneously. He states that he clearly indicated that the operations on the main fire building would be defensive and operations on the exposures were offensive. Subsequently, the appellant states that the oral communication comment did not warrant the loss of points.

In reply, for the oral communication component, a candidate's score is reduced by one point for each observable weakness; thus, a score of 4 indicates at least one observable weakness. The assessor notes referred to weakness in clarity, which is when a candidate fails to make comments that are clear and logical. A review of the appellant's presentation indicates that the presentation did not contain the noted weakness, as the appellant's statement that the operations on the

main fire building would be defensive and operations on the exposures would be offensive was appropriate. His presentation was not unclear. However, another factor in oral communication is nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking.

Candidates were permitted to use their notes, and test conditions were standardized in their application to all candidates, *i.e.*, nonverbal communication (including eye contact) was assessed for all candidates. Prior to commencing the examination, the room monitor reads the same information to every candidate. At the start of the presentation, the assessor stated, "I will return your notes before the exercise begins, and you may refer to the notes during the exercise. This exam will be both video and audio recorded. We just ask that you please present your response to the two assessors, and a video camera is only here to make a record as to your response." Thus, candidates were permitted to use their notes. However, this was a formal examination setting and the assessors would have been observing the appellant's eye contact. The candidate who speaks to his audience and makes eye contact with them does not have a weakness in this area.

A review of the appellant's presentation for this scenario indicates that after the assessor started the timing, the appellant began reading from his notes. He answered all of question 1, speaking for almost 2 minutes, without looking up. The appellant glanced at the assessor when the assessor made a movement, and at that time, he continued to read from his notes but he glanced up more often at the assessors. After a minute and a half, the appellant did not keep glancing up, but read more from his notes. When he did glance up, it was for a second or fraction of a second, not while speaking an entire sentence. He looked longest at the assessor when the assessor was asking him a question, then he responded to the assessor's questions without looking up at him for more than a glance or two. After the assessor asked the second question, the appellant did not look up at either assessor for one minute, 45 seconds as he continued to give his responses. Then, it was only to continue to glance up. The appellant glanced up only three times from the two-minute mark to the ending of the presentation. The presentation clearly had a weakness in nonverbal communication as he did not maintain eye contact, and the appellant's score for this component will not be changed.

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
THE 6th DAY OF SEPTEMBER, 2017



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