



and the ability to plan strategies and tactics based upon a building's structure and condition (arriving). Knowledge of supervision was measured by questions in the evolving scenario. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five-minute preparation period was given, and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge, supervision 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, firefighting 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. 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 scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 5 for the Oral Communication component, For the arriving scenario, he received a score of a 3 for the Oral Communication component, and he challenges that score as well as his seniority score. As a result, the appellant's test material, video, and a listing of the Oral Communication Criteria were reviewed.

On appeal, the appellant contends that his oral communications were the same in both scenarios. At the outset, the Civil Service Commission (Commission) notes that the assessor noted that the appellant's communication showed a weakness in that the appellant used excessive "ums" and "errs" in his presentation for the arriving scenario, and the appellant has not disputed this part of the scoring. With respect to non-verbal communication, the assessor noted that the appellant used hand gestures with pen in hand causing distraction.

A review of the appellants performance in both scenarios finds that he held a pen in his hand while delivering his responses to both scenarios. In the evolving scenario, the appellant held a highlighter in his hand throughout his presentation, however he did use the highlighter several times throughout his presentation, to mark off items that he completed. In the arriving scenario, the appellant held a pen in his hand throughout the presentation. While he did use the pen to mark completed thoughts, he did this only once, marking three lines at the same time.

Another difference between the two scenarios was the pen itself. The appellant held a highlighter in his hand, which was a yellow-green in color, during the evolving scenario, while in the arriving scenario, the pen was a shiny silver color. The silver pen reflected light and was thus more prominent. Distracting non-verbal mannerisms are those that cause the scorer to notice the distractions and thus shift focus from the information being presented. A thorough review of both scenarios finds that while the appellant held a pen in hand during both presentations, the use of the pen in the evolving scenario was less distracting and was also mitigated by its use to mark completed thoughts. The oral communication scores on both scenarios are correct.

Regarding the appellant's seniority score, the appellant contends that his score should include the time he served as a Police Officer. He cites *N.J.A.C. 4A:4-7.9* as the basis for including his service as a Police Officer in his seniority score.

The appellant's reliance on *N.J.A.C. 4A:4-7.9* is misplaced. Although the appellant does carry his seniority from his prior-held Police Officer title, seniority scores for promotional examinations are based on the title(s) to which the examination is opened. For example, a Fire Chief promotional examination open to Deputy Fire Chief would use seniority gained solely in the title of Deputy Fire Chief to determine the seniority score and would not utilize a candidate's seniority earned in the titles of Fire Fighter, Fire Lieutenant, Fire Captain and/or Battalion Fire Chief in the determination of the seniority score. In this matter, as the examination for Fire Lieutenant (PM1067V) was appropriately not open to the title of Police Officer, his Police Officer experience cannot be included in his seniority score. Accordingly, the appellant's seniority score was correctly determined and will not be changed.

## CONCLUSION

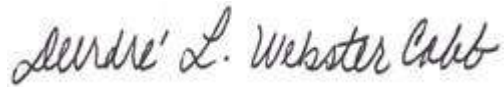
A thorough review of the appellant's submissions and the test materials indicates that the appellant's score for the Oral Communication component of the arriving scenario is correct. Moreover, the appellant's seniority score was correctly calculated.

## 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 12<sup>TH</sup> DAY OF OCTOBER, 2022



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