

B-53



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joseph Menendez,
Fire Officer 3 (PM1698S),
Jersey City

CSC Docket No. 2016-1754

Examination Appeal

ISSUED: DEC 21 2015 (RE)

Joseph Menendez appeals his score on the examination for Fire Officer 3 (PM1698S), Jersey City. It is noted that the appellant passed the examination with a final average of 86.440 and ranks fifth on the resultant eligible list.

The subject promotional examination was held on April 28, 2015 and 13 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, 4, and 3. He received the scores of 4, 3, 4, and 4 for the oral communication components.

The appellant challenges his scores for the oral communication components for the Incident Command – Non-fire Incident, and Administration scenarios. As a result, the appellant's test material, audiotape, and a listing of PCAs for the scenario were reviewed.

For the oral communication component of the Incident Command – Non-Fire Incident scenario, the assessor noted that the appellant's occasional stuttering and slurring of words minorly detracted from the overall presentation. On appeal, the appellant argues that he is of Hispanic heritage and should not be graded on his accent. He believes that he did not stutter or slur words. The appellant received a score of 4 for this component which reflects one weakness, that of clarity, which is defined as making comments that are clear and concise.

A review of the audiotape and related examination materials reveals that the appellant had no apparent accent. A foreign accent occurs when a person speaks one language using some of the rules or sounds of another one. For example, if a person has trouble pronouncing some of the sounds of a second language, they may substitute similar sounds that occur in their first language. This sounds wrong, or "foreign," to native speakers of the language. In this case, the appellant's speech was not accented, but rapid and slurred. He spoke rapidly at times, sometimes skipping words or syllables, or running phrases together, in an attempt to convey ideas more quickly. For example, the appellant stated, "I would have more safety officers requested at the scene to ah, expand my span of control. I'd have a safety officer for hazmat um, and I'd have a safety officer for scene safety. Trips, slips and falls. I'd request a sand truck, salt truck, my members. I would request to isolate egress for my ambulances to get out of the areas, with a straight direct route, unimpeded." There is a decided lack of clarity in this response. The phrase, "Trips, slips and falls" was inserted without being in a complete sentence. The phrase, "my members" is added to the end of the previous sentence with no context for it. The last phrase, while intelligible, lacks clarity.

At another time, the appellant stated, "I would have ah, the hazmat crew um, proceed to the van. Um, stabilize the van. Ah, plug, patch and dike, the tank. See if it can be done. Assess it. See if it can be done, I'd have it done. I'd request a rapid intervention crew, ah, firefighter safety." The appellant's manner of speech is such that he pauses or omits words from sentences which results in a lack of clarity. In the above passage, the appellant paused after "proceed to the van," making it seem like he had finished the sentence. He then provided incomplete sentences which should have started with a noun, such as "They," or "The crew," and a complete verb, should as, "would stabilize" and "would plug." He repeated an idea ("see if it can be done"), then, instead of "ah" in the last sentence, the appellant should have used the preposition "for." At another point, the appellant did not complete a thought before going to the next thought. He stated, "I would also have, this is going to be, figure a long operation so, at this point I would um, well there's a unified command so, that was given. I apologize for that. Um, I would have some kind of a, a city bus, request a city bus to put the, out of the way. So I can put some of these people, it's called, putting them to the bus, so they can stay warm. Ah, before they get, if they're not contaminated or hurt, send them out, again or the victim tracking coordinator, see who I have there. I would, um, decon everybody, demobilize, decentralize. Have the companies that I did not use um, start to leave." The appellant's method of speaking was choppy and sometimes hard to follow. The appellant's presentation contained a weakness in clarity, and his score for this component will not be changed.

For the oral communication component of the Administration scenario, the assessor noted that the candidate's presentation lacked organization, and that he repeated himself alot, e.g., establishing radio frequency with other towns. On appeal, the appellant states that he used a suggested organizational method in which he gave the first word of the organizational format and then gave a brief explanation of the word. He states that he was organized and had a clear plan of action, which was followed and conveyed. He indicates that he spoke about radio frequencies twice, and then in his summary at the end he mentioned it again. He believes that this was not overly repetitive.

In reply, organization is defined as presenting ideas in a logical fashion, including stating a topic, providing supporting arguments, and providing a summary or conclusion. There were two questions given for this scenario, what steps should be taken to update the outdated mutual aid contract, and what topic should be covered in the mutual aid contract review. A review of the appellant's presentation indicated that he did not answer each question separately. Instead, he gave one long response which pertained primarily to the first question. As he had not fully developed his response to the second question, the assessor asked him to be more specific regarding equipment in question 2. The appellant elaborated on his response regarding equipment, but he did not provide further information

regarding topics to be covered in the mutual aid contract review. In this respect, the appellant's presentation lacked organization.

However, the appellant's manner of speaking also was repetitive with regard to words and his discussion of specific ideas. For example, he stated, "I would look for the NFPA standards again, like I said. Um, and then have legal involved. Ah, keep the COD advised of who's on the committee, um, myself, ah, again, I said, the firefighters and the um, chief officers. I would set objectives and goals. The goals would be to update, the goal would be to update the outdated mutual aid contracts. Um, again, and what transpired, I just discussed, how we would do that. What, try to find out what works, what doesn't work, how we can replace it in a timely manner. Um, apparatus that are scheduled to go up. Ah, does it work? Do we need more? Um, how we do that? Should we go on the task force? Some areas it does work. Sometimes it doesn't. We'd have to see what works. Work on the radio communications. Updating frequencies. Um, that would be a big thing too, as well as when we get up there, what do we do?" In this passage, the appellant is repeating that he would look at NFPA standards, he repeated that he had "legal" involved, and he repeats who will be on the committee. He repeated words within a sentence ("the goal would be to update"), and he repeated ideas (what works, what doesn't work). Later in his presentation he refers to radio communications again. There are many instances of repetition throughout the appellant's presentation, and his response for question 2 was not fully developed. The appellant's oral communication was not without a weakness, and his 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 16th DAY OF DECEMBER, 2015



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THE CITY OF PHOENIX
SERVICE COMMISSION

MEMORANDUM FOR THE COMMISSION

RE: [Illegible Title]
[Illegible Name]
[Illegible Position]

[Illegible Text]