



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Mark Jacoby, Fire Captain
(PM1100S), Atlantic City

CSC Docket No. 2016-2852

Examination Appeal

ISSUED: **OCT 25 2016** (RE)

Mark Jacoby appeals his score for the oral portion of the promotional examination for Fire Captain (PM1100S), Atlantic City. It is noted that the appellant passed the subject examination with a final score of 87.610 and his name appears as the 15th ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters 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 both scenarios, and was scored for each. 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 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. For a performance to be acceptable, 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. Each performance was evaluated by two SMEs who currently are a first level supervisor or higher. If the SME scores differed by 1 point, the score was averaged. If they differed by more than 1 point, the SMEs were required to confer with each other until they agreed on a score. Scores were then converted to standardized scores.

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 3 for the technical component, a 4 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 5 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the oral communication components of both scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

As to the oral communication component of the evolving scenario, the assessors noted a minor weakness in organization. Specifically, they indicated that the appellant repeated answers, such as control utilities and search. On appeal, the appellant argues that he may have repeated answers due to the functions of the companies and the imperative nature of the incident. He states that he ensured that control of utilities was addressed, and two companies were required and ordered to search. He indicates that he gave orders separately to companies.

In reply, a factor in oral communication is organization. A weakness in this factor 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 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.

A review of the appellant's presentation indicates that, during the evolving scenario, the appellant gave actions and ideas in sequential order, with orders to his companies given separately. After giving orders to the second ladder company, the appellant reviewed his notes and gave a few additional orders to that company. Then he gave a summary of actions that would be taken by his companies, which included information already given, prior to turning the incident over to a superior officer and proceeding to question 2. While he did repeat a few actions, such as having the companies coordinate and provide progress reports, the appellant's repetition of information was not so egregious as to be a distraction. The appellant gave a short summary at the end of his response to question 1, but this was not a weakness in organization. The appellant's responses to questions 2 and 3 contained little repetition. As such, the appellant's score for the oral communication component of the evolving scenario should be changed from 4 to 5.

As to the arriving scenario, the assessors again indicated a minor weakness in organization evidenced by repeating many answers such as horizontal ventilation. On appeal, the appellant argues that he repeated information due to the imperative nature of the incident. He states that horizontal ventilation would be performed by ladder and engine companies, and he felt it was important to restate responses to ensure the incident was mitigated.

In reply, the appellant's manner of delivery was similar to that of the evolving scenario. That is, he progressed in a sequential order, giving orders to each company. However, in this presentation, the appellant repeated information to the point of distraction. For example, the appellant repeated at least eight times that the companies would coordinate with each other. In his orders to the first arriving engine company, he stated they would locate, confine and extinguish the fire, and then he immediately repeated the statement with additional orders. In response to question 2, the appellant repeated three times that he would monitor and follow-up with the subordinate in 30, 60, and 90 days. He repeated three times that the meeting would be held confidential, and twice that he would forward documentation to the Chief. For this presentation, the appellant's repetition was a distraction and his oral communication contained the weakness noted by the assessor. As such, his score for this component will not be changed.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that, except for the oral communication component of the evolving scenario, 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 the score for the oral communication component of the evolving scenario be changed from 4 to 5, and the remainder of the 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 19th DAY OF OCTOBER, 2016



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