



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 4 for the technical component, a 4 for the supervision component, and a 3 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 4.5 for the supervision component, and a 3 for the oral communication component. The appellant challenges his score for the oral communication component of the evolving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involves a report of a fire in a bakery, which is a single-story, wood-frame building with a wood truss roof built in the 1970s. It is 9:00 AM on a Sunday in September and the temperature is 72° Fahrenheit with clear skies and a wind blowing from west to east at 6 MPH. Upon arrival, it is noticed that smoke is coming from the front door on side A. The candidate is the commanding officer of the first arriving ladder company, is first on scene, and establishes command. Question 1 asked for specific actions to be taken upon arrival. Question 2 indicated that fire has reached the wood roof trusses, causing one to fail. This

question asked for actions that should now be taken based on this new information. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

As to the oral communication component, the assessors noted weaknesses in nonverbal communication and rate of speech. Specifically, they indicated that for nonverbal communication, the appellant was shuffling papers and failed to maintain eye contact for long periods. For rate of speech, the assessors indicated that the appellant stumbled over his words, restarted phrases, and took long pauses. On appeal, the appellant argues that he maintained eye contact. The appellant then indicates that there was a situation prior to his presentation which caused the delay and put him at an unfair disadvantage. He had been sitting in the presentation room when the monitor was told to stop the test. According to him, he experienced an approximately 12 to 16 minute delay, or an 18 to 20 minute delay in another portion of the appeal, before he was allowed to continue. He states that he was returned to the prep room and not allowed to go to the bathroom until he had asked twice. He then was returned to the presentation room, and noticed another candidate leaving. He attributes the weakness in nonverbal communication to this delay, as he was adapting to the situation.

In reply, a factor in oral communication is nonverbal communication. A weakness in this factor is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Another factor in communication is inflection/modulation/rate/volume. A weakness in this factor is defined as failing to speak at an appropriate rate (pauses), failing to maintain appropriate pitch and volume, and failure to properly use pitch to convey meaning or emphasis. 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. candidates were permitted to use their notes, but they were told to make their presentation to the camera. Further, it is noted that 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. When giving instructions, the monitor told the appellant to direct his responses to the video camera and not to her, as she will not be involved in the scoring of the examination. She said, "Make your presentation to the camera as though the camera were your audience." This was a formal examination setting, and candidates were told to address the camera.

When the monitor asked him if he had any questions, the appellant should have brought up the issue of the interruption if he felt he was at an unfair disadvantage.

He did not mention this issue on the videotape. Instead, he listened to the instructions and answered the questions. In the preparation room, each monitor must state "If you wish to appeal how the exam was administered, all administrative appeals must be filed before you leave the test center. No appeals on how the exam was administered will be accepted after you leave." As such, the appellant was on notice that he needed to file an appeal of test administration on site. Instead, he brought it up as an issue in scoring when he reviewed his examination a year later, which is extremely untimely.

Also, any issues regarding test administration are recorded in Monitor and Center Supervisor notes. In this case, the Center Supervisor noted that "Due to the [previous candidate's] situation candidate waited approximately 8 minutes after prepping before entering the door. Candidate was given 1 minute to review his notes and scenario before starting the testing process. Candidate was satisfied." Also, the Center Supervisor was questioned as a result of this appeal. He states that he remembers waiting with the candidate in the hallway, and not returning him to the prep room. The Center Supervisor verified that it was an eight-minute wait as recorded, not 12 to 16 minutes, or 18 to 20 minutes, as the candidate reported. The Center Supervisor also stated that he offered the candidate the opportunity to file an administrative appeal, but the candidate declined.

A review of the appellant's presentation indicates that, during the evolving scenario, the appellant was clearly aware of the camera and was addressing it. Nevertheless, he spent a significant amount of time looking down at his notes. He held his notes aloft, and frequently shifted them around. The appellant did not maintain eye contact with his audience, but continually glanced up at the camera and down at his notes, like he was watching a ping pong match. He kept his head oriented to the paper, which was lifted in front of him, and he raised his eyebrows when he looked up at the camera. When he stopped this behavior, it was to read from his notes or the scenario papers, not to address the camera. His presentation had a major weakness in nonverbal communication.

Additionally, the appellant's rate of delivery was choppy and variable as he did not deliver an even flow of information. At the beginning of the presentation, when he was told to begin, he looked down, lifted a sheet of paper and began writing on the sheet underneath it. He began the presentation 12 seconds later, when he had finished writing. Candidates had been given 15 minutes to review the examination and prepare their responses, and were expected to start the presentation when told. Next, the appellant mispronounced words, such as "specific," "intervention" and "conservation," and he ran sentences together in the same tone, without pausing or using pitch to convey a new idea. Also, at times the appellant paused, as though at the end of a sentence, then tacked on a phrase or two. For example, he stated, "I have, I will ah also have the engine companies via the radio pull past the structure

locate a secure water supply. I would do a 360 of the building. I would interview any occupants or bystanders. For location, what's burning, and if there are any victims or trapped occupants." He continued with, "I would have the rap..rapid inte... inte... a rapid inte..vention crew um (pause for 5 seconds) staging. In front of the building." The appellant's oral communication contained the weaknesses noted by the assessor and his score for this component will not be changed.

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.

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 19<sup>th</sup> DAY OF OCTOBER, 2016

  
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