



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Dale Billiard, Fire Officer 1  
(PM1194S), Jersey City

CSC Docket No. 2016-2795

Examination Appeal

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

Dale Billiard appeals his score for the oral portion of the promotional examination for Fire Officer 1 (PM1194S), Jersey City. It is noted that the appellant passed the subject examination with a final score of 82.530 and his name appears as the 127<sup>th</sup> 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 Officer 1 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 fire fighters 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 5 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 score for the technical 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 involved a report of a fire in a one-story, ordinary construction building consisting of a bakery, Laundromat, convenience store, and liquor store. It is 6:00 AM on a Sunday in September and the temperature is 72° Fahrenheit with clear skies, and a wind blowing from east to west at 5 MPH. Upon arrival, it is noticed that smoke is coming from the Laundromat on side A. A bystander said she noticed smoke coming from the closed Laundromat and called 911. The candidate is the commanding officer of the first arriving ladder company and he establishes command. There were two technical questions. Question 1

asked for specific actions that should be taken upon arrival. Question 2 indicates that, during the incident, the parapet wall on side A partially collapses. The question asked what actions 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.

In regard to the technical component, the assessors noted that the appellant failed to order an evacuation/primary search of the bakery and convenience store (exposures), which was a mandatory response to question 1. They also indicated that he missed the opportunities to perform a secondary search of the building, which was an additional response to question 1, and to call the building department, which was an additional response to question 2. They used the flex rule to assign a score of 3. On appeal, the appellant states that said he would have members check for victims and fire. He states that he also called for an immediate withdrawal, and that is the same as ordering an evacuation as there is no industry standard or mandate for verbalizing members getting out of a building or area in an immediate manner. He also states that he requested the building department.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. All mandatory responses must be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5.

A review of the appellant's presentation and related examination materials indicates that, regarding the exposures, the appellant indicated that engine 3 was in charge of exposure protection in the bakery, and engine 4 would do the same in the delta exposure with hoselines. He indicated that the truck companies would perform forcible entry and ventilation. Then he stated that, "Um, all truck companies will operate the thermal imaging cameras. Check for fire, victims, um extension, fire location um. They will force entry into exposures. They will vent any cocklofts and they will vent any basement, um any common basement areas." This response does not indicate that the appellant is evacuating and performing a primary search of the exposures. Again, credit is not given for information that is implied or assumed. The appellant did not take steps to address the possibility of a

life hazard or potential victims in the exposures in response to question 1. In response to question 2, the appellant ordered a withdrawal of firefighters as a result of the partial collapse of the parapet wall on side A. This is not the same action as that listed by the assessors. The assessors were referring to an evacuation of all people, civilians and firefighters, and a primary search for civilians in the exposure buildings. The appellant also did not indicate that he would perform a secondary search of the building. A review of the appellant's presentation indicates that he called for the building department, which was an additional response to question 2. Nevertheless, as he failed to provide a mandatory response, his score cannot be higher than a 3. His score for this component will not be changed.

The appellant appealed only his score for the technical component of the evolving scenario, and as a result, the appellant's entire presentation was reviewed. In the course of this review, it was determined that the appellant's oral communication score was incorrect. For this component, the appellant scored a 4, and the assessors indicated a weakness in grammar. Specifically, they indicated that the appellant had many distracting verbal mannerisms, such as "ah," "um," and "you know," throughout the presentation. A weakness in grammar is defined as using inappropriate words and sentences that are grammatically incorrect.

A review of the appellant's presentation indicated that this weakness noted by the assessors was present. Additionally, the appellant's presentation contained a weakness in nonverbal communication. A weakness in nonverbal communication is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Throughout the presentation, the appellant failed to make eye contact, fidgeted in his seat, and read from his notes. At the start of the presentations, the monitor tells every candidate to direct their presentation to the camera as though the camera were the audience, and that he or she will not be involved in scoring. The appellant rarely looked at or addressed his responses to the camera. On one occasion, the appellant sat back in his chair and mumbled to himself. At the end of the presentation, he expressed exasperation by putting his hands up in the air, tossing the paper in his right hand to the desk, sitting back in the chair, slapping his knees, and resting his head on one finger of his hand while mumbling. During the review, it is also noted that the appellant used profanity on two occasions as well. The appellant's use of profanity was an indication of his failure to maintain his composure in a formal examination setting. Candidates were told in the orientation guide that oral communication would be scored. Moreover, the use of profanity in a formal setting is unwarranted and unacceptable at a supervisory level. In sum, the appellant's presentation contained two weaknesses, and his score for the oral communication component of the evolving scenario should be reduced from 4 to 3.

CONCLUSION

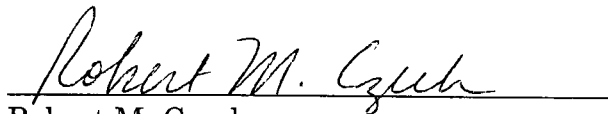
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the score for the oral communication component of the evolving scenario be reduced from 4 to 3.

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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and  
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