



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Frank DeFrancesco, Fire Captain
(PM1136S), Paterson

CSC Docket No. 2016-2789

Examination Appeal

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

Frank DeFrancesco, represented by Lissette Diaz, Esq., appeals his score for the oral portion of the promotional examination for Fire Captain (PM1136S), Paterson. It is noted that the appellant passed the subject examination with a final score of 85.690 and his name appears as the 48th 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 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 3.5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 3 for the supervision component, and a 3.5 for the oral communication component. The appellant challenges his score for the oral communication component of both scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

In regard to the oral communication component of the evolving scenario, the assessors noted that the appellant's presentation had weaknesses in nonverbal communication and grammar/word usage. Specifically, for nonverbal communication, they indicated that the appellant failed to maintain eye contact, and frequently looked down at his paper while talking. For grammar/word usage, the assessors indicated that the appellant frequently used "um" while speaking, which was distracting and grammatically incorrect. On appeal, the appellant argues that candidates were not expected to be perfect in their responses. While he

looked down at his notes to review and reference them, he disputes that he failed to maintain eye contact. He states that he did not look down at his papers while addressing the scenarios, and his score of 3.5 for both scenarios was unwarranted.

In reply, 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. For the oral communication component, a candidate's score is reduced by one point for each observable weakness; thus, a score of 3 indicates at least two observable weaknesses. A factor in oral communication is nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. Another factor is grammar/word usage, which is defined as using appropriate words and using sentences that are grammatically correct.

Candidates were permitted to use their notes, and 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. At the start of the presentation, the assessor stated, "I will return your notes before the exercise begins, and you may refer to the notes during the exercise. Remember to direct your response to the video camera. Do not direct your response to me. I will not be involved in the scoring of your exam. Make your presentation to the camera as if the camera were your audience." Thus, candidates were permitted to use their notes. However, this was a formal examination setting and the assessors would have been observing the appellant's eye contact with the camera. The candidate who speaks to his audience and makes eye contact with them does not have a weakness in this area.

A review of the appellant's presentation for the evolving scenario indicates that after the assessor started the timing, the appellant picked up his pen and began writing in his notes. He did not speak for almost 20 seconds. The appellant glanced at the camera when he began the presentation, and then took many actions without looking up from his papers. The appellant established command, located the command post, and gave all of his size-up factors without looking up, although he glanced at the monitor. When calling for his resources, the appellant held his notes up in front of him and read from them. He glanced once at the camera, and several times at the monitor. Sometimes the appellant lifted his head up, but did not make eye contact with the camera for more than a fraction of a second, and often glanced at the monitor. This was typical of the majority of his presentation, which clearly had a weakness in non-verbal communication.

As to word usage, the appellant hesitated over his words and used many distracting verbal mannerisms such as "ah" and "um." This was an examination

setting where candidates were given scenarios, and questions for each scenario, and were required to provide direct answers to those questions and, in this setting, candidates are required to maintain the flow of information. There is a well-known phenomenon of hesitational disfluency that can afflict a speaker trying to cope with the pressures of immediate processing, and some level of disfluency is acceptable when it does not affect the continuity of a presentation. At some point, however, the use of distracting verbal mannerisms is not acceptable. The appellant spoke in a halting style, sometimes stumbling over his words and repeating words. He frequently used distracting verbal mannerisms, which detracted from the presentation. He also occasionally used sentences that were grammatically incorrect.

Additionally, another factor in oral communication is organization. A weakness in organization 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 appellant frequently repeated information already given, and did not take actions in a logical sequence. For example, the appellant stated, "All members will be full PPE, SCBA, PASS, PASS device on the on position." Two sentences later, the appellant stated, "All member will be PPE, SCBA on the PASS, PASS device on the on position, forcible entry tool, exit tools, same radio ch...ah, frequency. They will work in coordination with each other." After establishing a primary water supply, the appellant stated, "Stretch a two and a...., stretch a ah, 2½ through the front door to locate confine extinguish and remove any v...ah, any possible ah, victim. We'll work in coordination with the ladder team." After securing a second water supply and stretching a backup line, the appellant said, "I will work in coordination with the ladder operation." The appellant said he would perform a search, venting as he went, both horizontally and vertically. This does not make sense as the company would not be vertically venting as they searched. He then repeated that he would locate, confine and extinguish all visible fire and conduct overhaul by pulling walls, venting as he went, both horizontally and vertically.

After the appellant completed working at the scene and turned the building back over to the homeowner, he stated, "I would ah, locate and extinguish all fire and remove any trapped occupants. Also I will conduct vertical ventilation." He then laddered the building again, and said he would "work in coordination." After providing some responses to question 2, the appellant said all members will be "full PPE, SCBA, PASS device on, on the on position, ah, forcible entry tools, thermal imaging cameras, radios on the same radio frequency, no freelancing, pocket tools." The appellant repeated a significant amount of information already given multiple times. He also did not properly answer question 2 initially, but gave some correct responses after he had completed question 3 and the assessor asked him if there was anything else he would like to add. The appellant's presentation had a

weakness in organization as well as the two weaknesses noted by the assessor. His score for this component should be reduced from 3.5 to 2.

In regard to the oral communication component of the arriving scenario, the assessors noted that the appellant's presentation had weaknesses in nonverbal communication and organization. For nonverbal communication, the assessors indicated that the appellant looked down and talked to the papers throughout his presentation, which was distracting. For organization, the assessors indicated that the appellant repeated his actions showing poor organization. For example, he repeated information regarding overhaul, and extinguishing visible fire. On appeal, the appellant provides the same arguments listed above for the evolving scenario.

A review of the appellant's presentation for the arriving scenario indicates that he provided information while reading from his notes and the scenario. He did not give his presentation to the camera as though it were his target audience. He would momentarily glance up, but the glances were not directed specifically at the camera. Many times, he did not raise his eyes to the level of the camera, or he glanced off at the monitor.

As to organization, the appellant repeated many actions already given. After calling for his resources, he stated, "All members will be full PPE, SCBA on, PASS on, PASS devices on the on position. All members will be guided by the safety manual and comply with the SOPs and SOGs. Ah, we'll have forcible entry tools and exit tools. Ah, same radio frequency. Ah, working in coordination with each other. No freelancing and giving progress reports." After establishing a water supply and bringing a line into the front door, the appellant twice indicated that he would locate, confine and extinguish all visible fire, and said, "Working in coordination and giving progress reports to command." The scenario indicated that the candidate was the commanding officer of the first arriving ladder company and the first officer on the scene. As such, the appellant was the Incident Commander, and yet he was giving progress reports to command.

He said he would ladder the building and "vent enter and search to remove the trapped occupants." In the arriving scenario, a fire was in the kitchen on the first floor of a two-story attached townhome. The diagrams indicated there were three victims in three bedrooms on the second floor, and no fire was showing on the second floor in the diagram. The appellant made statements such as, "I would vent horizontal, horizontal of the hoseline." This sentence made little sense, as the kitchen was in the middle of the structure with no windows and only two doors. Although there were three victims visible in three separate bedrooms on the second floor, the appellant stated he would perform a search to locate "the trapped occupant," and hand him over to EMS. After checking for extension, the appellant stated that he would "work in coordination" and "provide progress reports." After

completing checking for extension in the exposures, the appellant began all over again, going through the actions more quickly. After completing question 3, the appellant then provided many actions which he had already given. The appellant's presentation 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, and the score for the oral communication component of the evolving scenario be reduced from 3.5 to 2.

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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