





respond to each. For the Arrival 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, 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.

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 scenarios, and for oral communication, the requirements for each score were defined. For the Evolving scenario, the appellant scored a 3 for the technical component and a 2 for the oral communication component. For the Administration scenario, the appellant scored a 3 for the technical component and a 3 for the oral communication component. For the Arrival scenario, the appellant scored a 2 for the technical component and a 2 for the oral communication component.

The appellant challenges his scores for the oral communication components of each scenario, and for the technical components of the Evolving and Arrival scenarios. As a result, the appellant's test material, audiotape, and a listing of possible courses of action for the scenarios were reviewed.

As to oral communication, the appellant had multiple weaknesses for each presentation. In each, the assessors noted that the appellant had a weakness in non-verbal communication as evidenced by reading from his notes and not making eye contact. On appeal, the appellant does not state which scenario he is appealing, but argues that he did not make eye contact as he wears bi-focal glasses and must focus on the paper so as not to lose his place.

In reply, this was a formal examination setting, and 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 factor in oral communication is nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. Only behaviors exhibited during a presentation are used in



scoring. Candidates were permitted to use their notes, but they were to make their presentation to the individuals sitting in front of them. A review of the appellant's presentations indicates that as he spoke his responses he looked only at his notes most of the time. Candidates were permitted to use their glasses, and many candidates made formal presentations to their audience using glasses. However, the mere fact that the appellant wears glasses is not a justification for not acknowledging the audience with eye contact. Pages 19 and 20 of the general orientation guide provide advice on oral communication. On page 19, point 4 provides a series of elements to consider. One of those elements states, "make eye contact with the camera, and do not read directly from your notes the entire time." While this general orientation guide referred to speaking to a camera as though it were the audience, when assessors are present, they are clearly the audience. The appellant's presentations each contained a weakness in non-verbal communication for lack of eye contact.

The Evolving scenario concerned a report of smoke coming from a two-story, wood-frame home built in the 1970s. The candidate is the company officer of a ladder company and is assigned via radio as division two supervisor and he has his ladder company and both engine companies to begin operations. A second alarm is struck. Upon arrival, smoke is seen coming from the second floor on the A/B corner. A neighbor informs the candidate that the owner's car is parked in front of the home. Question 1 asked for initial actions both en route and upon arrival has the division two supervisor. Question 2 contains the evolution. It indicates that as the companies are performing their designated assignments on division two, a fire fighter reports he cannot find his partner on the second floor and he is not responding via radio. The question asked for actions to be taken and requests to be made to the Incident Commander (IC) to address the situation.

The assessor noted that the appellant failed to keep the IC informed of rescue efforts and fire control, which was a mandatory response to question 2. It was also noted that he missed the opportunity to perform a feedback assisted rescue, which was an additional response to question 2. The assessor used the "flex" rule to apply a score of 3. On appeal, the appellant argues that he provided mandatory responses and said he would review or revise actions to suit life safety.

First, 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 assessors to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the assessors 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 5.

A review of the appellant's presentation and related documentation indicates that, in response to question 2, he did not keep the IC informed of rescue efforts and fire control. Reviewing or revising actions to suit life safety is not the same, and it does not involve a notification to the IC. Instructions to candidates stated, "in responding to these questions, do not assume or take for granted that general actions will contribute to your score." The appellant did not keep the IC informed of rescue efforts and fire control (progress reports) in response to the evolution of the scene. The appellant missed a mandatory response to question 2, as well as the additional action listed by the assessor, and his score of 3 for this component is correct.

The Arrival scenario concerned the report of smoke coming from inside a theater on main street during a sold-out Wednesday matinee production of Grease. The candidate is the company officer of the first arriving ladder company and the highest ranking officer on-scene. Engines 1 and 2 are less than a minute away. The fire building was built in 1954 and houses a production company that puts on live plays. The scenario indicates that, upon arrival, the candidate sees no visible smoke. He is met by the manager of the production company who states that he thinks the building is evacuated, but he does not have a confirmed head count on the people who were inside. He informs the candidate that there are several large cylindrical containers of various types of paints, cleaners, adhesives, solvents, etc. that are used when building and preparing the set, in the center of the building near the side C wall. He also dropped the stage curtain before he left the building. As the candidate steps away from the manager, conditions begin to change rapidly, and he sees fire beginning to roll over. Question 1 asked for actions to take to fully address the incident.

The assessor noted that the appellant failed to conduct a detailed size-up, and perform horizontal ventilation (side C roll up door), which were mandatory responses. He also noted that the appellant missed the opportunity to ensure that utilities are secured. On appeal, the appellant argues that he provided more than adequate information, specifically on the hazmat portion.

In reply, the appellant provided much information, as he indicated. Nevertheless, he missed two mandatory responses. He did not conduct a detailed size-up, and he did not perform horizontal ventilation. The SMEs determined that, without these actions, a successful outcome would not be assured. That is why they are mandatory responses. The appellant does not argue any specific assessor note,



but states that he adequately addressed the hazmat portion of the scene. In that respect, in the scenario, the truck team entered the building, in which there was just a rollover and which contained hazmat materials, with no ventilation. Further, there was a large rollup door on the middle of side C which could have been opened, and that action was not taken. Essentially, the appellant put his truck team in a very dangerous life-threatening situation, and doomed any individuals still in the theater. The appellant missed two mandatory responses, as well as the additional response, and his score of 2 is correct.

### CONCLUSION

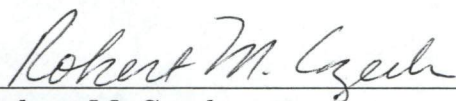
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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 ON  
THE 17<sup>th</sup> DAY OF MAY, 2017



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