

B-16



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Christian Hamilton,
Fire Captain (PM1133S), Nutley

CSC Docket No. 2016-628

Examination Appeal

ISSUED: **OCT 22 2015**

(RE)

Christian Hamilton appeals his score for the oral portion of the examination for the second level Fire Captain (PM1133S), Nutley. It is noted that the appellant passed the examination with a final average of 86.400 and ranked third on the resultant eligible list.

It is noted for the record that this two-part examination consisted of a written multiple-choice test and an oral examination. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: written multiple choice portion, 34.91%; technical score for the Evolving Scenario, 27.11%; oral communication score for the Evolving Scenario, 1.75%; technical score for the Administration of Procedures Scenario, 10.75%; oral communication score for the Administration of Procedures Scenario, 2.5%; technical score for the Arrival Scenario, 21.23%; and oral communication score for the Arrival Scenario, 1.75%.

The oral portion of the second level Fire Captain examination consisted of three scenarios: a fire scenario simulation with questions designed to measure the ability to assess risk factors and strategies involved in fireground command (Evolving); a simulation designed to measure the ability to implement a program and the factors/problems associated with program administration (Administration); and a fire scenario simulation designed to measure the risk factors and strategies associated with an incident that could potentially involve a hazardous material (Arrival). For the Evolving and Administration scenarios, candidates were provided with a 25-minute preparation period for both, and candidates had 10 minutes to

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 5 for the technical component and a 5 for the oral communication component. For the Administration scenario, the appellant scored a 3 for the technical component and a 5 for the oral communication component. For the Arrival scenario, the appellant scored a 5 for the technical component and a 4 for the oral communication component.

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

In the Administration scenario, Firefighter Jackson informs the candidate that a Lieutenant has been acting strangely for over a month, as he has been extremely withdrawn and often seen mumbling to himself. He rarely speaks to his crew any longer. This is the first that the candidate has heard of this, and he has not been aware of any problems with Lieutenant Anderson. The Lieutenant has been known as an outgoing and well-respected officer with a decorated career. The firefighter says he is concerned for Lieutenant Anderson and the rest of his crew, who have been talking about the issue who but have been too afraid to say anything. The candidate does not know of any recent incidents or reasons why the Lieutenant may be acting like this. Question 1 asked for specific actions to take to fully address the situation. Question 2 indicated that, the following week, without notice of any kind, Lieutenant Anderson does not report for his scheduled shift. It asked for actions that should now be taken.

The assessor noted that the appellant missed the opportunity in question 1 to review duty/training logs for any possible critical incidents, and in question 2, to assign a replacement officer to cover the Lieutenant's crew/shift. On appeal, the appellant argues that he indicated that he pulled the files on Lieutenant Anderson, checked training files, and spoke to his prior officers.

In reply, for question 1, the appellant received credit for indicating that he would review Lieutenant Anderson's personnel file/attendance. In this scenario, the appellant stated, "I would investigate this incident. I would speak to fire fighter Jackson, tell him I appreciate him coming to me on this, and I would look further into this. I would pull the files on Lieutenant Anderson, I will ah check the training files, past, speak to his past supervisors and see if there's been any ah incidents like this in the past." For this response, the appellant received credit for reviewing Lieutenant Anderson's personnel file/attendance record, and privately talking with Lieutenant Anderson's previous supervisors. These are separate actions from reviewing duty/training logs for any possible critical incidents. While the appellant indicated that he would review training files, he did not mention why. This was a formal examination setting and candidates were expected to impart their knowledge in a clear and complete manner. In bold letters, written after the scenario and before the question, were instructions to candidates. These instructions asked candidates to be as specific as possible in responding to the questions. It stated to not assume or take for granted that general actions will contribute to a score. The action was to review duty/training logs for any possible critical incidents. The appellant's response was to review training files. The appellant did not provide a reason for reviewing the files, and he did not indicate that he would review duty logs. For example, he could have been reviewing the training files to see if the Lieutenant's attitude was the same or different. This would have been a different reason than to see if there was a critical incident, such as a firefighter being injured by falling off a ladder. The appellant did not mention any possible critical incidents from the duty log, such as a subordinate falling through the roof or being burned significantly, which would have made him withdrawn or explained a change in behavior. Essentially, the appellant did not provide enough information to make it clear that he was looking for a reason in the training files for the Lieutenant's change in behavior.

In response to question 2, the appellant stated, "I will contact human resources on any concerns or questions that I might have. I will investigate the incident. I will, I will pull the files on Lieutenant Anderson as far as absentee record and his past, um, to see if this is, I'll speak to his past supervisors to see if this has happened in the past." At this point, the appellant mentions the Lieutenant's attendance record, but not his personnel file. As the appellant had not been specific regarding file review, the assessor asked him, "Okay. And the last thing I have is

you talked about files on Anderson. Can you expand upon that?" The appellant responded, "Sure, I would review his personnel file, his training files, um his reports from his previous supervisors as to how he was as an officer." This response more clearly indicates that the appellant was checking the Lieutenant's training files to see how he was as an officer, and not to look for critical incidents. The appellant missed both actions noted by the assessor, and his score of 3 for this component is correct.

For the oral communication component of the Arrival scenario, the assessor noted that the appellant cleared his throat over 15 times, which detracted from the presentation. On appeal, the appellant concedes that he did so, but maintains that he had been doing a lot of talking and was not allowed to have a beverage in the testing area. He states that he did so naturally, and was not loud or obnoxious, so he should not be penalized for it.

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. One factor in oral communication is nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. Candidates were permitted to do such things as clear their throat, but at some point in time, it becomes a distraction.

It is incumbent on the candidates to be prepared for testing, including asking for a drink of water, if needed. While a water bottle was not allowed in the testing room, instructions to candidates, which the appellant received in a letter, stated, **"You may bring snacks / lunch, magazines, non-fire service related books, or newspapers with you to the examination site. However, they will be collected during the "check-in" process and then returned to you in the holding room upon completion of the examination process.** Candidates with medical/dietary concerns must provide for their own needs; no one will be permitted to leave the test center until completion of the testing and sequestration." Thus, the appellant was allowed to bring a water bottle. Any available personnel would have escorted the appellant to the water fountain between exam rooms if the appellant had explained that he needed a drink of water. The appellant cleared his throat 23 times during the presentation, and his manner of presentation detracted from his performance. His score for the oral communication component for this scenario will not be changed.

CONCLUSION

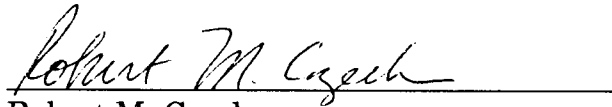
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 ON
THE 21st DAY OF OCTOBER, 2015



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