



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Christopher Graves, Fire Lieutenant  
(PM1174S), Margate

Examination Appeal

CSC Docket No. 2016-2957

ISSUED: NOV 16 2016

(RE)

Christopher Graves, represented by Jacob Perskie, Esq., appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1174S), Margate. It is noted that the appellant passed the subject examination with a final score of 88.450 and his name appears as the fifth 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 Lieutenant 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 4.5 for the technical component, a 4 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 scores for the oral communication components of both scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

For the oral communication components of both scenarios, the assessors indicated that the appellant failed to maintain eye contact and used a pen as a pointer. On appeal, the appellant argues that the assessor notes are subjective and he made sufficient eye contact with a camera in his opinion. He states that he was allowed to use his notes, which he reviewed so that he would not miss any pertinent items. He states that he used his pen to check off key points in his notes, and he would do so as an Incident Commander on scene as well.

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 of the factors of oral communication is nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. This is an appropriate factor in oral communication for a first level supervisor, who interacts with management, officials, the public, other departments and the media, and not solely with fire department personnel on the fire ground.

A review of the appellant's presentation for the evolving scenario indicates that he made adequate eye contact while answering the first part of question 1. Towards the middle of question 1, the appellant began to appear as though he was reading from his notes. He used a pen with his right hand to keep track of where he was reading, or he flicked it back and forth. For example, for question 3, the appellant stated, "**Ah, regarding question number three, the firefighters swearing and laughing during overhaul. I would talk to the pet store owner and inform him that I would deal with these firefighters accordingly. I would stop them from talking and laughing and swearing and order them to finish their task. And then, at the firehouse, I will deal with members who are a problem. I will identify the problem. I will find out from other officers and other firefighters if there's been a problem in the past. (The two minute warning was given.) I will set up a meeting with the firefighters. I'll put them at ease and tell them it's just a meeting but we have to talk about things. I will explain to them the reason for the meeting, that they were swearing and laughing during overhaul, while the owner of the store lost his entire livelihood. I would get their side of the story. Why they were laughing, why they were swearing. If they were unaware that they were, if they were unwilling to stop, if they were unable to stop. I'll go over the positives with them, why, why they are assets to this department and if there's training we can do to remedy this problem. We'll go over the negatives, all the problems that this caused, then swearing, and how bad it looks for us and our department.**" All of the words in bold were spoken while the appellant was looking down at his papers, and he was looking at the camera for the words that are not in bold. The appellant gave a significant number of actions while looking down instead of at the camera, and this behavior was apparent throughout his responses. He continually referred to his notes, fidgeted or pointed with his pen, and looked around the room, and this behavior and his lack of eye contact, was distracting. While candidates were permitted to use their notes, it was a distraction if they appeared to be reading from them rather than looking at the camera as though it were the intended audience. The appellant's score for the oral communication component of the evolving scenario will not be changed.

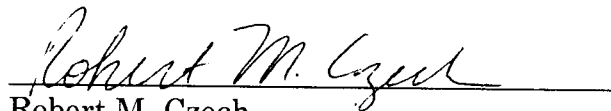
A review of the appellant's presentation for the arriving scenario indicates that he read from the scenario without looking up to provide his size-up. While he glanced at the camera, he also read from his notes a great deal. He started his presentation without his pen, but he picked it up after giving his size-up. He then kept it in his right hand and twiddled with it. He also occasionally touched his stop watch and looked at it, or moved it around. Again, the appellant's lack of eye contact, and his other non-verbal behaviors, were a distraction. For example, he stated, "**Teams will be equipped with the proper tools for their jobs. This includes, but is not limited to** (touches stop watch), **forcible entry tools, thermal imaging camera, target exiting devices, irons, pike poles, and anything else that will help them perform their job.** (sighs) **Engine one is going to arrive and secure a primary water supply, prepare to stretch an adequate,** (touches and holds stop watch) **an adequately sized and length hose line.** (releases stop watch) **Engine two will take a secondary water supply and prepare to stretch a backup line** (touches and holds stop watch) **through the same avenue as the initial attack line. The ladder will take the A side of the building with the aerial in line with its target for maximum scrub area and easy access to ground ladders. The ladder company will perform a horizontal and vertical ventilation,** (points with pen to camera) **if needed, forcible entry** (releases stopwatch) **and a primary search. The initial attack line will be stretched through the front entrance on side A. It will be an inch and ¾ line and it will be used in conjunction with the thermal imaging camera to locate, confine and extinguish the fire. The second line will be taken through the same avenue, to the same spot. It will also be an inch and three quarters. That will be used as well to assist in extinguishment.**" Again, all the words in bold were spoken while the appellant was looking at notes. The appellant looked down frequently and long enough to give the appearance that he was reading from his notes. For this entire passage, the appellant held his pen in his right hand, and pointed at the table, rolled it upside down and back up again, flipped it up and down, and pointed at his notes. Occasionally, he would look up with his eyes, but not entirely lift his head, so that the whites of his eyes were visible beneath his irises. This behavior was consistent throughout the presentation. The appellant's nonverbal communication, including a lack of eye contact, was a weakness in his presentation for the arriving scenario, and his score for the oral communication component will not be changed.

### 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 10<sup>th</sup> DAY OF NOVEMBER, 2016



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