



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of
Kenneth Febles, Fire Captain
(PM1138S), Perth Amboy

CSC Docket No. 2016-3034

ISSUED: NOV 16 2016

(RE)

Kenneth Febles appeals his score for the oral portion of the promotional examination for Fire Captain (PM1138S), Perth Amboy. It is noted that the appellant passed the subject examination with a final score of 83.590 and his name appears as the fourth 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 2 for the technical component, a 5 for the supervision component, and a 2.5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 4 for the supervision component, and a 2.5 for the oral communication component. The appellant challenges his score 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.

As to the oral communication component of the evolving scenario, the assessors noted weaknesses in nonverbal communication and organization. Specifically, they indicated that for nonverbal communication, the appellant failed to maintain eye contact. For organization, the assessors indicated that the appellant gave actions out of sequence in his fire attack. As to the oral communication component of the arriving scenario, the assessors noted weaknesses in nonverbal communication and organization. For nonverbal communication, they indicated that the appellant failed to maintain eye contact during the presentation, and played with his pen

until it was a distraction. For organization, they indicated that he did not give details regarding size-up factors. On appeal, for organization, the appellant argues that fire incidents are unique and never handled the same way. He states that flexibility and recognition of priorities are important for a positive result, and the fire attack sequence should be flexible as well. For nonverbal communication, the appellant argues that he was not told to maintain eye contact with the camera, and it is unnatural to converse with an inanimate object. He states that eye contact is unnecessary on the fire ground, and nonverbal communication should not be scored.

In reply, a factor in oral communication is nonverbal communication. A weakness in this factor is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Another factor in communication is organization. A weakness in this factor 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 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. Candidates were permitted to use their notes, but they were told to make their presentation to the camera. Further, it is noted that 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 read the same information to every candidate. When giving instructions, the monitor told the appellant to direct his responses to the video camera and not to her, as she will not be involved in the scoring of the examination. She said, "I will return your notes before the exercise begins and you may refer to your 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 was your audience." This was a formal examination setting, and contrary to the appellant's arguments, he was told to address the camera.

A review of the appellant's presentation indicates that, during the evolving scenario, the appellant did not address the camera. Rather, he read from his notes continuously throughout the presentation, without looking up. The appellant gave the impression that he was ignoring the camera, as though it was not an audience, but simply a recording device. As such, the presentation had a major weakness in nonverbal communication. The presentation had a weakness in organization as well. After giving his size up factors, the appellant stated, "I would ah, begin offen... offensive of attacks, with the two and a half inch line because of potential fire load. Ah, all personnel will be ah, working in a safe manner. They would don on PPE, SCBAs, and also ah activate their ah PASS alarm, ah device systems. Um, ah, first attack line would ah deploy two and a half inch line, ah they would try to

position this line between ah, the fire and any potential ah victims. Though it is 6 o'clock in the morning ah, we are assuming that the establishment is closed but we don't know if there's anyone in there at all at this time. Ah, we would also ah, utilize TICs to ah, look for fire extension, look for any victims, ah, communicate with ah, periodic reports to the IC and also work in conjunction with ladder operations." The appellant then deployed a second line. This was all done before resources were called, the ladder company had orders, or a primary water supply was secured. The appellant had the crew using a TIC and giving progress reports before they located and confined the fire. The appellant's manner of delivery was not organized in a logical manner.

Also, the appellant's presentation had a weakness in word usage/grammar, which is defined as using appropriate words and using sentences that are grammatically correct. 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 used distracting verbal mannerisms throughout the presentation, which detracted from the presentation. He also occasionally used sentences that were grammatically incorrect. The appellant's score for this component will not be changed.

As to the arriving scenario, the appellant's manner of delivery was similar to that of the evolving scenario. The appellant gave his entire presentation while looking at his notes and the diagrams, and did not address his audience as directed. He also had a pen in his right hand and continually manipulated it. The lack of eye contact and use of the pen was a distraction to the presentation. Additionally, the appellant's use of distracting verbal mannerisms such as "um" and "ah," while not noted by the assessors, was a major weakness in word usage. For example, the appellant stated, "Um, I would have engine companies deploy an attack line. This would be an, an offensive um, operation. Um, I would have engine companies secure water sources and deploy an attack line ah, onto the first floor to um, position that, position an inch and three quarter line between fire and victims. Um, and also have a second line, ah, backup that to protect egress." Aside from excessive use of distracting verbal mannerisms, in this passage the appellant repeats information already given, deploying an attack line, and it lacks specificity. The fire is on the first floor, and the victim is on the second floor, and the stairway is beyond the fire. The appellant does not state which crew is performing the

deployment of the first and second lines, or how the second line gets by the fire to get to the stairs. The appellant also has his ladder company ladder the building before they performed forcible entry. After having the ladder company enter the house, rescue the victim on the second floor, and perform a primary search, he indicated that they would be shutting off utilities from the inside. He then orders "a ladder company" to perform horizontal ventilation "if need be," and also perform vertical ventilation through the roof if fire extended to the second floor. The appellant ordered additional engine companies to cover each of the exposures on sides B and D, but he did not mention more than the initial ladder company. The way the information was given, the ladder company performed actions out of sequence and was given too many orders for one company. The appellant's oral communication 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.

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 10th DAY OF NOVEMBER, 2016



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