

B-18



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Louis Bainbridge,  
Battalion Fire Chief (PM1509T),  
Trenton

Examination Appeal

CSC Docket No. 2017-1485

ISSUED: MAR 13 2017 (RE)

Louis Bainbridge appeals his score on the examination for Battalion Fire Chief (PM1509T), Trenton. It is noted that the appellant passed the examination with a final average of 85.600 and ranked fifth on the eligible list.

This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of 70 multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios; a Supervision, Administration and Incident Command scenario. All candidates received the same multiple-choice exam, but differing versions of the oral exercises were given based on the day the oral exam was administered. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the oral portion, candidates had 60 minutes to prepare for all three scenarios and had 10 minutes per scenario to present their response. For all three oral exercises, the candidate was to assume the role of a Battalion Fire Chief. Candidates were scored based on the content of their response (technical) and the how well they presented their response (oral communication). Both of these dimensions were scored on a scale of 1 to 5 with 1 being the lowest rating and 5 being the highest rating.

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral



communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. As part of the scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An SME also noted any weaknesses that detracted from the candidates overall oral communication ability. The SME then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

For the technical and oral communication components of the Supervision, Administration and Incident Command scenarios, the appellant received scores of 4, 4, 3 and 5,4,5, respectively.

The appellant challenges his scores for the oral communication component of the Administration scenario and the technical component of the Incident Command scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenario were reviewed.

For the Administration scenario, the SME noted a weakness in nonverbal communication. Specifically, it was noted that the appellant failed to maintain eye contact when speaking during his response. On appeal, the appellant argues that he maintained eye contact, and looked into the camera while speaking.

In reply, one of the factors in oral communication is nonverbal communication, which includes using gestures effectively without causing confusion or distractions, and making eye contact when speaking. All candidates were informed that oral communication would be graded in the candidate Orientation Guide, and nonverbal communication is a factor in oral communication. Candidates were allowed to look at their notes and this is acceptable when it does not affect the continuity of a



presentation. At some point, however, the use of non-verbal mannerisms becomes distracting, which is not acceptable.

A review of the appellant's presentations reveals that, for the Administration scenario, the appellant had his notes in front of him. At the start of the presentation, the appellant read from his notes. He was aware of the camera and continually glanced up. As the presentation continued, the appellant's eye contact improved. At one point, the appellant looked down to read the second question, but his response was given while mostly looking up at the camera after orienting himself in his notes. Although there were moments when the appellant read the question or read from his notes, he consistently maintained eye contact while giving his response and this did not detract from the performance. His score for this component should be raised from 4 to 5.

In the Incident Command scenario, the candidate is dispatched to a report of a fire at a local hardware store. It is 2:00 PM on a Saturday in June, 65° Fahrenheit, and wind is blowing from east to west at 10 miles per hour. The fire building is 1½ stories, and of lightweight wood-frame construction, measuring 45 feet by 90 feet. A cellar used for storage runs the entire length of the building and is accessed by a staircase on side C. There are two residential buildings approximately 10 feet away from the involved building on side B. Upon arrival, the candidate sees smoke emanating from side C, and an employee indicates that a fire started in the cellar and has extended to the first floor of side C while they were in the middle of accepting a shipment of propane tanks from a delivery truck. This employee states that not all employees are accounted for. Directions to candidates were to base their responses on the text *Fire Officer's Handbook of Tactics* and their experience. Question 1 asked for specific actions upon arriving on the scene. Question 2 indicated that, while personnel are involved in evacuation and extinguishment operations, there is an explosion near side C of the building with one Mayday being broadcasted. Question 2 asked what specific action should be taken now based on this new information.

For the Incident Command scenario, the SME indicated that the appellant failed to check the truss roof for fire involvement, which was a mandatory response to question 1. He also indicated that the appellant missed the opportunity to sound evacuation tones (question 2). He used the "flex rule" to assign a score of 3. On appeal, the appellant argues that he mentioned the truss construction in his size up, and assigned a safety officer to be aware of it.

In reply, 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 SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. It is not



assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include all 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.

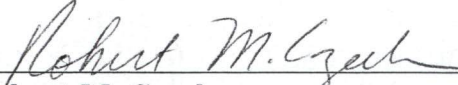
For the Incident Command scenario, a review of the appellant's video and related examination materials indicates that the appellant identified the truss construction in his size up, and told dispatch he had to keep an eye on the truss. He then assigned a safety officer to watch the truss. This action alone was not sufficient for credit, as the IC needed to order someone to check the truss roof for fire involvement. Nevertheless, later in the presentation, the appellant stated, "The second line is going to go to the basement to put out the fire, and the third line is going to back up, with the third engine, is going the back up the second line and it's going to cool the trusses to keep fire away from the trusses." As the appellant indicated that a line was cooling the trusses, he was a step ahead of checking the trusses for fire involvement. As such, the appellant should receive credit for this response. As this was a mandatory response, and the appellant gave many additional responses, his score should be changed from 3 to 5.

#### ORDER

Therefore, it is ordered that this appeal be granted, and the oral communication component of the Administrative scenario be changed from 4 to 5, and the technical component of the Incident Command scenario be raised from 3 to 5.

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 9<sup>th</sup> DAY OF MARCH, 2017

  
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