



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Joey Larino,
Fire Captain (PM1019V),
Bayonne

CSC Docket No. 2019-2334

Examination Appeal

ISSUED: April 29, 2019 (RE)

Joey Larino appeals his score for the oral portion of the promotional examination for Fire Captain (PM1019V), Bayonne. It is noted that the appellant passed the subject examination with a final average of 80.300 and ranks 27th on the resultant eligible list.

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. 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 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 4 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 3 for the supervision component, and a 5 for the oral communication component. The appellant challenges his score for the supervision component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The supervision question for the arriving scenario involved the appellant's crew. They did not follow orders to change air cylinders and go to rehab, but were found to be sitting in the engine with empty tanks. The assessor assigned a score of 3, and noted that the candidate missed the opportunities to order his company to rehab and to interview the senior member of the company. On appeal, the appellant states that he said he would interview all subordinates.

In reply, at the end of every scenario and prior to the questions, instructions state, "In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score." In this scenario, the SMEs identified two PCAs which should be taken by the supervisor, interview the senior Firefighter in charge of the company and interview members of the company individually. A review of the presentation indicates that the appellant started his presentation with, "As far as the disciplinary action, we're going to stop all unsafe and insubordinate activities." In

this case, so far, there has been no disciplinary action, and the crew is sitting in the engine with empty tanks. There is no unsafe activity to stop, but the supervisor needed to order the company to change their air cylinders and go to rehab. The next thing the appellant stated was, "We're going to have the firefighters write a report of, of the incident and what happened. We're going to schedule a meeting with a date and a time. We're going to interview the firefighter. We're going to gain all facts and information. We're going to interview all supervisors and subordinates. We're going to utilize the personnel department for any previous incidents, pertinent information, accommodations that this firefighter had and anything, any previous ah, any previous disciplinary actions." Basically, the appellant is responding to something that is not in the scenario. He refers to one firefighter rather than the whole crew, and was going to interview "all supervisors" when there are no supervisors involved in the incident, and he is the crew supervisor. The appellant cannot get credit for not specifically responding to the question. He did not solve the problem on the fireground, and he was responding to something other than the question at hand, as he believed that this involved one firefighter who needed to be disciplined and that there were supervisors involved. The appellant's score of 3 for this component will not be changed.

At this point that should be noted that the Division of Test Development and Analytics determined that the appellant's score of 5 for oral communication was incorrect, as his performance included two weaknesses, nonverbal communication and word usage grammar. As a result, the appellant's score was adjusted to a 3 for this component, and his final average was reduced from 80.300 to 79.030.

A weakness in nonverbal communication is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. A weakness in word usage/grammar is defined as mispronouncing words, using sentences that are grammatically incorrect, repeating words and/or phrases, and using inappropriate words. During the entire presentation, the appellant failed to maintain eye contact. He kept one finger on his notes and read from his notes, spending more time looking down than at the camera. Additionally, almost all sentences for the whole presentation began with "We're going to..." or "We're gonna..." Thus, his actions were like a laundry list rather than a description of events. Also, he incorrectly used pronoun "we" instead of "I." Sometimes, the appellant did not speak in complete sentences. The presentation had weaknesses in nonverbal communication and grammar/word usage, and his score for this presentation was appropriately reduced from 5 to 3.

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 24th DAY OF APRIL, 2019



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