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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Richard Bornstad,
Deputy Fire Chief (PM2734T),
Linden

CSC Docket No. 2017-763

Examination Appeal

ISSUED: DEC 13 2016 (RE)

Richard Bornstad appeals his score on the examination for Deputy Fire Chief (PM2734T), Linden. It is noted that the appellant passed the examination with a final average of 89.950 and ranked third on the resultant eligible list.

The subject promotional examination was held on May 26, 2016 and ten candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises; each was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command – Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command – Fire Incident.

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.

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. The appellant received the following scores for the technical component for each question, in order: 5, 2, 3, and 5. He received the scores of 5, 3, 3, and 4 for the oral communication components.

The appellant challenges his score for the oral communication component for the Incident Command – Fire Incident scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

For the oral communication component of the Incident Command- Fire scenario, the assessor noted that the appellant's presentation contained a weakness in organization. Specifically, the assessor noted that the appellant paused twice to gather his thoughts prior to completing his presentation. On appeal, the appellant argues that he was given ten minutes to complete the presentation, he had many size-up factors to consider, and he paused to consider them and go over his notes. He contends that at a fire scene he must take time to consider the issues.

In reply, a score of 4 in oral communication indicates at least one weakness. In this case, the assessors indicated a weakness in inflection/moderation/rate/volume (IMRV), defined as speaking at an appropriate rate, maintaining appropriate pitch and volume, and properly using pitch to convey meaning or emphasis. In this case, for rate, the assessor indicated that the appellant's presentation contained two long pauses. On appeal, the appellant maintains that he was given ten minutes to respond, had many size-up factors to consider, and he paused to go over his notes and add extra pertinent information.

A review of the appellant's video indicates that the presentation contains the weakness listed by the assessor. Candidates were given ten minutes to provide their responses to the questions, but their oral communication was also scored. The oral communication component is scored based on how the information is presented, and long pauses affect the flow of the presentation, requiring an audience to wait for ideas. The appellant began his presentation at a normal rate, and began pausing after about two and one-half minutes. The closer he was to the end of the presentation, the slower he presented information. At one point, the appellant paused for 25 seconds, and he did not preface this pause by telling his audience that he would like a moment to go over his notes. Additionally, there were pauses throughout the presentation of several seconds. For example, he stated, "I'd have

an accountability officer, an accountability officer with tag-in and tag-out for all fire fighters, keep track of all my ah firefighters on scene. (8 second pause) I will have a (3 second pause) staging officer to respond and make sure he maintains full tactical assignment of staging at all times." At another point, the appellant stated, "Have ladder one (5 second pause) respond to the front of the building. They will be responsible for ah, opening the doors (3 second pause) and they (2 second pause) they will be ah, send them in for a search of the basement." He stated, "They will bring an inch and $\frac{3}{4}$ (3 second pause) into the building for fire suppression. They will search off the line. (8 second pause) I'll have ladder 3 respond to the basement (5 second pause) for search and rescue, and they will do a primary search in the basement. (8 second pause) They will rescue and remove any victims that they find and hand them off to EMS." As the appellant neared the two-minute mark, he paused after delivery of each action, and his rate of delivery was slow enough to become a distraction. His score for this component is correct.

CONCLUSION

A thorough review of appellant's submissions and the test materials indicates that, except for the oral communication component of the Incident Command-Fire Incident scenario, 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 7th DAY OF DECEMBER, 2016



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