

B-86



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Wayne Daniel, Jr., Fire Captain  
(PM1131S), Newark

Examination Appeal

CSC Docket No. 2016-2719

ISSUED: DEC 13 2016

(RE)

Wayne Daniel, Jr. appeals his score for the oral portion of the promotional examination for Fire Captain (PM1131S), Newark. It is noted that the appellant passed the subject examination with a final score of 88.570 and his name appears as the 27<sup>th</sup> ranked eligible on the subject 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. 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 5 for the technical component, a 5 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 speak at an appropriate rate. For the evolving scenario, they indicated that the appellant had a rapid pace of speech at times during the presentation, especially during his response to question 3. For the arriving scenario, they indicated that the appellant had a very fast rate of speech, which at times, caused him to stumble over words. On appeal, the appellant contends that his diction and clarity made it effortless to follow and understand the information. He contends that this is his normal rate of speech, and he is experienced in public speaking.

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. Thus, the oral communication for each presentation was assessed, and prior experience as a public speaker was not a factor in scoring. Only the behaviors that candidates actually demonstrated during their presentation were scored. One factor in oral communication is inflection/moderation/rate/volume. This factor is defined as speaking at an appropriate rate, maintaining appropriate pitch and volume, and properly using pitch to convey meaning or emphasis

For the evolving scenario, a review of the appellant's presentation indicates that it contains the weakness noted by the assessor. Prior to the evolving scenario, the appellant asked the monitor, "I have a question. If I think of something, can I jot it down while I'm doing my answer or not?" The appellant asked this question at a customary rate of speech, including a normal pause after the word "something." This does not support that the appellant's usual rate of speech is very rapid.

The appellant began by speaking rapidly and only sped up as he continued. At some point in time, he was not speaking with a normal cadence of speech and was not pausing between sentences. Only his grammar was an indication that one sentence stopped and another began. By the time the appellant reached question 3, he was beginning every sentence with "We're gonna," or "We're going to," and he had to take deep breaths after several sentences. His rate of speech caused him to skip words, and shorten sentences to phrases. He also used words inappropriately, such as "stick" and "disciplinaries." For example, in response to question 3, the appellant stated, "We're going to c...,um, let the firefighter know what the firefighter did wrong as far as not controlling the hoseline. We're going to interview previous supervisors. We're going to interview witnesses at the scene. We're going to review laws, books and personnel file for disciplinaries training, as well as commendations. We're going to stick schedule a meeting. We're gonna to let him know he could have union representation. We're gonna let him know the meeting is confidential. Have open door policy. We're gonna listen to him as he talks. We're gonna come up with a plan and we're gonna find out what the problem is."

In another example, in response to question 1, the appellant stated, "I request water gas and electric companies, a second and third alarm with the third alarm in staging area, police for traffic and crowd control, EMS for treatment, triage and transportation of victims, RIT team and a rescue team will ladder all sides of the structure while monitoring the radio. Once that's complete, the RIT team will report to the command post. Rescue will continue by securing the utilities and they will do a secondary search once the fire is placed under control. Safety officer for scene safety. Water supply officer and cascade unit, accountability officer for tracking personnel, rehab unit and rehab officer. We're going to rotate each

member, rest, rotate and rehydrate each member every 20 minutes. Hazmat, red Cross, public information officer in case there's media." In this passage, the appellant is speaking in phrases, or he expects that it is understood that he is requesting every resource he mentions. He mixes in officer assignments with external resource requests, and he includes orders in the middle of these requests. The appellant was not talking at a normal rate of speech, or not in a normal speech pattern with proper grammar. His score for the oral communication component of the evolving scenario will not be changed.

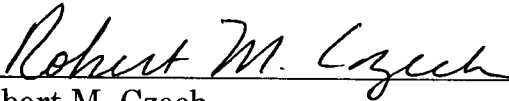
Regarding the presentation for the arriving scenario, the appellant's rate of speech was not customary, but very quick. The appellant did not pause at the end his sentences, but spoke at a constant fast clip, making the presentation difficult to follow. When he was requesting resources, the appellant did not speak in full sentences but it was as though he was reading a grocery list, stating the officer or resource and reason why he wanted them. Without the punctuation of pauses, speech was unclear and hard to listen to. The appellant stumbled over some words as indicated by the assessors. For example, when giving orders, the appellant stated, "The first and second arriving engine companies will establish a primary and secondary water supply. We'll have ah, they'll stretch a 1½ inch, a 1¾ inch hose line from the unburned side of the structure to the seat of the fire while doing search off of the hoseline put placing the line between the fire and the occupants, protecting the open interior stairs and protecting the egress. If the backup line is not needed at the seat of the fire stretch to the floor above to, the objective is to locate confine extinguish the fire. I have both first and second engine companies um ca..., um chauffeurs direct master streams to the bravo and the delta side exposures on the exterior and we'll also stretch, the third and fourth arriving engine companies will stretch, well, first of all they'll, they'll seek, they'll look using the 2½ inch hose lines each, they'll check for extension to the exterior of the structure, and then they'll stretch a hose line into each one of the exposures at, at both places, if they see fire they're going to locate confine extinguish the fire. They're going to check all that entire structures, I mean exposures." Thus, the appellant's presentation rate affected his grammar and clarity. Some of these actions make no sense. For example, it is unknown if the appellant was using 1½ inch or 1¾ inch hose line, or both, and the backup lines not needed at the fire, which is on the first floor, would be stretched to the second floor, where there is no fire yet, for the objective of locating, confining and extinguishing the fire. Later on in the presentation, the appellant began every sentence with "They're going to," or "We're going to." His score for this 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 7<sup>th</sup> DAY OF DECEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Wayne Daniel, Jr.  
Michael Johnson  
Records Center

