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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of John Andreychak,
Battalion Fire Chief (PM1491T),
Bayonne

Examination Appeal

CSC Docket No. 2017-1537

ISSUED: JAN 23 2017

(RE)

John Andreychak appeals his score on the examination for Battalion Fire Chief (PM1491T), Bayonne. It is noted that the appellant passed the examination with a final average of 87.360 and ranked sixth 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 3, 4, 5 and 3, 4, 4, respectively.

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

For the Supervision scenario, the SME indicated weaknesses in Inflection/Rate/Volume and Enthusiasm. For Inflection/Rate/Volume, the SME indicated that the appellant failed to speak at an appropriate rate and maintain an appropriate pitch to convey emphasis or meaning, and many of his statements trailed off to lower volume. For Enthusiasm, the SME indicated that the appellant appeared disengaged and failed to maintain interest. For example, after making a statement, he gave a slight pause at the end of a sentence, then added a few words such as, "pieces of that," "to start," and "my question." On appeal, the appellant argues that he spoke at a steady rate and volume, was comfortable and relaxed, and conveyed his thoughts in a correct tone. He also opines that slight pauses are allowed. He states that he used complete sentences and did not find parts of the presentation where he added a few words. He states that he used a professional, relaxed and even tone.

In reply, a factor in oral communication is Inflection/Modulation/Rate/Volume. A weakness in this factor is defined as failing to speak at an appropriate rate (pauses), failing to maintain appropriate pitch and volume, and failure to properly use pitch to convey meaning or emphasis. Another factor is Enthusiasm, which is defined as maintaining interest and involvement throughout the discussion. A review of the appellant's presentation indicates that he spoke in a slow, often halting style, sometimes stumbling over his words. There were pauses throughout some sentences which made them difficult to follow. For example, the appellant stated, "I will contact his prior supervisors, also, his past Cap... current captains that are, that work with him. I will get his side of the story. I will institute progressive, discipline, procedures. He will get an oral and written warning, immediately, for violation of rules." In this manner of speech, the listener expects that this sentence is finished when the appellant gives a slight pause, evidenced here by the commas, but then the appellant tacks on a word or phrase. His speech was not at an appropriate rate, but was slow, which made it difficult to follow at times. At another point, the appellant stated, "This is a severe, severe problem him assaulting another firefighter. He cannot favor other members, he cannot hit other members, touch other members, he has to treat all members equally. (5 second pause) I'll make him aware that he, has a right to due process and a right to appeal, any grievance, procedures that he needs, to start." The presentation had a weakness in rate. The appellant's demeanor during the examination room was observed to lack enthusiasm. The appellant spoke in a slow manner, his responses were brief and given unenthusiastically, and he appeared disengaged with his subject matter. The appellant's oral communication was acceptable, and his score of 3 for this component will not be changed.

For the Administration scenario, the SME indicated that the appellant failed to maintain eye contact while speaking, and was reading from his notes. On appeal, the appellant states that he looked at the camera 21 times in question 1. He states that he referred to his notes but they were given to him to use due to the large amount of information that must be conveyed. He states that you do not stare at a camera for an extended period of time, but that he looked up 26 times for question 2. He states that a communication website indicates that eye contact should be made for 3 to 5 seconds at a time.

In reply, a review of the appellant's presentation indicates that he spent a significant amount of time looking down at his notes and reading from them. Candidates were permitted to use their notes, but they were told to make their presentation to the camera. 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, "Make your presentation to the camera as though the camera were your audience." This was a formal examination setting, and candidates were told to address the camera. The appellant was clearly aware of the camera and was addressing it. Nevertheless, he

spent a significant amount of time looking down at his notes. The appellant did not maintain eye contact with his audience, but continually glanced up at the camera and down at his notes. He read from the notes, giving quick glances up at the camera in between words or while speaking one or two words. Then he would look back down and continue the sentence. Sometimes, he glanced towards a corner of the room rather than at the camera. The appellant did not sustain eye contact with his audience, and his presentation contained this weakness in oral communication. His score for this component will not be changed.

For the Incident Command scenario, the SME indicated that the appellant failed to maintain eye contact while speaking. He read from his notes throughout his presentation. On appeal, the appellant states that he looked at the camera 102 times, and that it is appropriate to make eye contact for 3 to 5 seconds at a time.

In reply, again, the appellant was aware of the camera and he glanced at it often. However, he did not make eye contact with it for 3 to 5 seconds at a time as he asserts. Instead, he extensively relied on his notes with quick glances up to the camera at intervals. He rarely looked at the camera for a full second. For example, he stated, **"I'll conduct a multi-sided 360° size-up of the building. I'll question the building employees as a possible location of the victims, the best access into the building and the location and access of the fire. I'll give my initial radio report to dispatch. I have a one-story class-two non-combustible commercial pool supply store. We have smoke showing from the roof and reports of fire throughout the store, possibly involving chemicals. I have poss... possible victims inside. Exposures are A is a lot, B is a driveway with a dirt lot next to it. C is an Italian restaurant and is attached, and D is a parking lot. This will be an offensive interior attack due to life hazard. All companies will be advised not to go on the roof. No roof ops at this time due to light-weight steel-bar joist."** All of the words in bold were spoken while the appellant was looking down at his papers, and he was looking at the camera for the words that are not in bold. The appellant gave significant actions while looking down, and this behavior was apparent throughout his presentation. The appellant's presentation had a weakness in non-verbal communication, and his score for this component is correct.

CONCLUSION

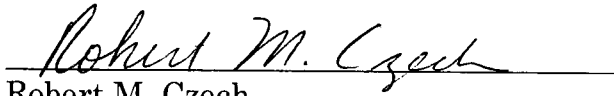
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 18th DAY OF JANUARY, 2017

A handwritten signature in cursive script, reading "Robert M. Czech", is written over a horizontal line.

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Chairperson
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