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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jason Verdon,
Battalion Fire Chief (PM1491T),
Bayonne

Examination Appeal

CSC Docket No. 2017-1465

ISSUED: **JAN 23 2017** (RE)

Jason Verdon 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 92.120 and ranked third 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 5, 4, 5 and 4, 3, 3, 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 a weakness in word usage/grammar, specifically, that the appellant's responses were not grammatically correct, and contained excessive use of "ah" and "um" throughout. On appeal, the appellant argues that he did not use "ah" and "um" to the point of disfluency or interrupting the flow of communication. He also argues that his use of inappropriate words was purposeful, as it held the attention of the audience between statements. He argues that he was able to communicate well enough to score a 5 for the technical component.

Regarding scoring, the components measured in the oral examination are viewed as independent and are scored accordingly. Behaviors can be attributed to each component which are sufficiently distinguishable to warrant a unique score. Thus, candidates can exhibit few negative behaviors in one component, but exhibit some

negative behaviors in another component. As such, independent scores can be assigned for the technical and oral communication components for each performance. A candidate's behavior on one component cannot be used to score his behavior on another component. Thus, the appellant's score for the oral communication component is not dependent on his technical component score. Likewise, the oral communication component for one answer is independent of the oral communication component for another answer.

This was a formal examination setting, and candidates were required to state what they meant at an appropriate rate, and with no distractions. There are various factors associated with oral communication. One of the factors of oral communication is word usage/grammar, which is defined as using appropriate words and sentences that are grammatically correct. It was not acceptable to present many distracting verbal mannerisms, such as "ah." Candidates were given scenarios, and questions for each scenario, and were required to provide direct answers to those questions and, in this setting, candidates are required to maintain the flow of information. There is a well-known phenomenon of hesitational disfluency that can afflict a speaker trying to cope with the pressures of immediate processing, and some level of disfluency is acceptable when it does not affect the continuity of a presentation. At some point, however, the use of distracting verbal mannerisms is not acceptable.

For the Supervision scenario, a review of the audiotape and related examination materials reveals that the appellant's presentation is replete with distracting verbal mannerisms. For example, the appellant stated, "I would consult with human resources and the law department ah to get their guidance as well. Um, I would ah, from an immediate standpoint, I would immediately stop the action and ah, make sure that it, it doesn't occur again. Ah, this may not be ah an act that's um isolated to ah, to Firefighter Delacano, ah, so in that case, ah being that these, these allegations were found to be true, um, I would place Firefighter, ah, I'm sorry, Captain Conner on, on ah, leave, as well as the firefighter or firefighters who assaulted um, Firefighter Delacano. And that would be pending investigation." At another point, the appellant stated, "Ah, I would also be ah looking ah, to check on um, the ah, ah department SOPs and SOGs ah to ensure that um, that they are being followed and ah, I would um, ah, I would check to see if ah, if we have any ah, sensitivity training in place, or anger management ah training ah that's available to ah, to our firefighters." The appellant's use of "ah" and "um" was so frequent that it detracted from the presentation. He had a weakness in this area of oral communication and his score for this component will not be changed.

For the Administration scenario, the SME indicated a weakness in word usage/grammar, and noted that the appellant excessively used "ah" and "um." On appeal, the appellant reiterates the same arguments presented above for the oral communication component of the Supervision scenario.

In reply, a review of the appellant's presentation indicates that he again used many distracting verbal mannerisms. For example, the appellant stated, "Ah, through my investigation I'd first look in-house. Um, in our department. Um, I would ah, check the files of our department and um, I would ah, I would check our ah, our records as far as ah, calls um, where um, calls where cause and origin ah was used ah to ensure that um, that there were no difficulties ah, at those scenes um, regarding um, regarding ah, the site security and preservation of evidence. I check our ah SOGs, our current SOGs to see um, you know, what they say. I would compare them to ah, the NFPA, um, National Fire Administration's um ah SOPs as far as ah scene site um, scene, scene security. Excuse me. Ah, I would also um, check for fire prevention ah, normally ah, cause and origin investigation comes out of fire prevention and ah, I would, I would consult with them." He continues in this manner throughout the presentation. At the end of his response to question 1, he states, "Um, like I said, the ah, the fire prevention, ah, the planning chief ah I would have him utilize the cause and origin ah investigators and I would also have the training chief, the operations chief, ah, utilize the cause and origin investigators as well." The appellant's excessive use of these verbal mannerisms affected the continuity of his presentation. The presentation contains the weakness noted by the SME, and his score for this component will not be changed.

For the Incident Command scenario, the SME indicated weaknesses in word usage/grammar and nonverbal communication. For word usage/grammar, the SME indicated that the appellant repeats and uses inappropriate words. He consistently used "ah" and "um" throughout his presentation. For nonverbal communication, the SME indicated that the appellant failed to maintain eye contact while speaking, and he read from his notes throughout his presentation. On appeal, the appellant repeats the prior arguments, and adds that the Incident Commander on the fireground communicates by portable radio, where he would not use "ah" and "um." For lack of eye contact, the appellant argues that he used his notes like a tactical worksheet, and he argues that he was forced to read from his notes as he had to convey an enormous amount of information. He explains that he always relocated and connected with his listener at the end of each statement. He contends that he relied on his notes in the absence of "real world aids," he looked at the camera for longer durations when he was expanding his information, and he communicated directly.

In reply, the appellant was aware of the camera and he glanced at it often. At times, he looked at the camera while delivering information. Nevertheless, he did not *maintain* eye contact throughout the presentation. There were long periods where the appellant simply read from his notes. For example, he stated, "**Crew number one would force entry on the A side ah, they would enter um, on the A side through the main entrance, again because of ah people prob... possibly exiting, ah they conduct a primary search. Remove all victims to EMS. Ah, locate and they'd also [um, ah, you know, ah, keep track of ah, or coordinate the ah] evacuation. Locate the seat of the fire and find out what is exactly burning,**

ah, give me that information. They'd ah be aware of hazmats and look out for ah rack storage, ah possible internal collapse as well. Ah, they'd, I'd have to manage their air work in teams and ah, ensure that there's no freelancing. Ah, company number two will go to the roof, vent scuttles, vent skylights. Vertically. Ah, they check for roof involvement, ah, check the truss loft to see if there's fire in the truss loft and report the same. Ah, they'd be prepared to cut holes utilizing thermal imaging cameras. Ah, and t... they'd be prepared to protect the spread ah to ah, the extension ah through ventilation operations. Ladder company number two will split their crews as well. Crew number one will force entry on the B side, ah they would supplement the ah primary search remove occupants to the EMS for treatment triage and transport. Ah, they would control ah the utilities, ah HVAC system, ah, ensure that the fire pump is in operation." 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 words in brackets indicate when the appellant was looking around the room. The appellant gave significant actions while looking down, and this behavior was apparent throughout his presentation. He also used a significant amount of distracting verbal mannerisms, and his sentences were not grammatically correct. How the appellant believes he would use the radio on the fireground is not germane to his oral communication score. The appellant's score was based on his performance in the examination room. The appellant's presentation had weaknesses in non-verbal communication, and word usage/grammar, and his score for this component is correct.

CONCLUSION

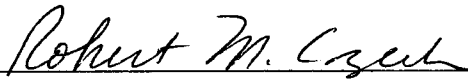
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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



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: Jason Verdon
Michael Johnson
Records Center