



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Frank Dubicki, Sr.,
Fire Officer 2 (PM1513T),
Jersey City

Examination Appeal

CSC Docket No. 2017-1386

ISSUED: DEC 23 2016 (RE)

Frank Dubicki, Sr. appeals his score on the examination for Fire Officer 2 (PM1513T), Jersey City. It is noted that the appellant passed the examination with a final average of 86.590 and ranked 14th 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 (or Fire Officer 2). 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 4, 3, 5, and 3, 3, 3, respectively.

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

For the oral communication component for Supervision, the SME noted the weaknesses in word usage/grammar, inflection/rate, and nonverbal communication. Specifically, for word usage/grammar it was noted that the candidate's presentation contained over 20 "ah & ums." For inflection/rate, it was noted that the candidate's presentation contained many pauses and at times he stumbled on his statements. As to nonverbal communication, it was noted that the candidate failed to maintain eye contact, and he looked down for most of his presentation.

For the oral communication component for the Incident Command scenario, the SME noted weaknesses in word usage/grammar and inflection/rate. Specifically, he

stated that the candidate used and repeated inappropriate words. He stated “ah & um” throughout his presentation. Also, it was noted that the candidate failed to speak with an appropriate rate. He paused and stumbled throughout his presentation, and there was a long pause at the end of the presentation.

The appellant did not appeal these components separately, but argues that “ah & ums” are acceptable as they are a continuation of the thought process, are used by successful speakers, help a presentation sound unscripted, and assists in listening. In the appellant’s opinion, his rate of speech was within the acceptable average, as the number of words per minute for a speech may vary. He contends that he could not have achieved a score of 5 for the technical component of the Incident Command scenario if his rate of speech was incomprehensible. He states that his rate of speech is consistent with that of others in a metropolitan area. For nonverbal communication, the appellant opines that his reference to his notes was perfectly acceptable and encouraged by public speaking coaches as being practical, providing confidence during a high pressure presentation, and minimizing disconnection with the audience by sounding like a memorized delivery.

In reply, this was a formal examination setting, and candidates were required to state what they meant at an appropriate rate, and with no distractions. 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 nonverbal communication. A weakness in this factor is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Another factor is grammar/word usage, which is defined as using appropriate words and using sentences that are grammatically correct.

In regard to the difference in scoring of both components for these scenarios, 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 completely answer the questions for the technical component, while exhibiting negative behaviors or weaknesses in the oral communication component. Or, candidates can fail to properly answer the questions for the technical component, while exhibiting no weaknesses in the oral communication component. As such, an independent score can be assigned for the technical and oral communication components within a performance. Thus, a candidate’s behavior on one component cannot be used to score his behavior on another component, and is not reflective of a score for another component. Lastly, the SMEs have the benefit of the video, and are able to listen to portions which are difficult to follow multiple times if the need arises. They are not required to score a component after listening to it just once.

As to word usage/grammar, it is not acceptable to present many distracting verbal mannerisms, such as "ah." This was an examination setting where candidates were given scenarios, and a question or questions for each scenario, and were required to provide direct answers to those questions maintaining a consistent 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.

Candidates were permitted to use their notes, and test conditions were standardized in their application to all candidates, *i.e.*, nonverbal communication (including eye contact) was assessed for all candidates. Prior to commencing the examination, the room monitor reads the same information to every candidate. At the start of the presentation, the monitor stated, "I will return your notes before the exercise begins, and you may refer to the notes during the exercise. Remember to direct your response to the video camera. Do not direct your response to me. I will not be involved in the scoring of your exam. Make your presentation to the camera as if the camera were your audience." Thus, candidates were permitted to use their notes. However, this was a formal examination setting and the SMEs observe an appellant's eye contact with the camera. The candidate who speaks to his audience and makes eye contact with them does not have a weakness in this area.

A review of the video and related examination materials reveals that the appellant spoke in the manner outlined by the SME for each scenario. In addition, his lack of eye contact for the Incident Command scenario was also a distraction. During the Incident Command scenario, 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 spoke in a halting manner throughout both scenarios, stumbling over words, hesitating in his delivery, and pausing in mid-sentence. He used distracting verbal mannerisms throughout each. He read from his notes, using his hands to keep track of the line he was reading from. He did not address the camera in a consistent manner as though it was his audience. At times, the manner of delivery was as if he were reading a narrative to the audience, or reading a list of actions. The appellant's scores for the oral communication components of the Supervision and Incident Command scenarios will not be changed.

CONCLUSION

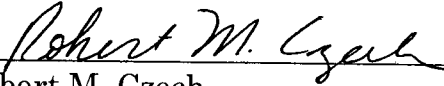
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 21st 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: Frank Dubicki, Sr.
Michael Johnson
Records Center

