



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of John Taylor, Police
Captain (PM0643V), Town of Kearny

Examination Appeal

CSC Docket No. 2018-3167

ISSUED: JUNE 25, 2018

(ABR)

John Taylor appeals his score for the oral portion of the promotional examination for Police Captain (PM0643V), Town of Kearny. It is noted that the appellant passed the subject examination with a final score of 88.200 and ranks fourth on the resultant eligible list.

This was a two-part examination consisting of a multiple-choice portion and an oral portion, and seniority was scored as well. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. Of the test weights, 51.7% of the score was the written multiple-choice portion, 32.4% was the technical component and 15.9% was the oral communication component. The examination content was based on a comprehensive job analysis. Senior command personnel from police departments, called Subject Matter Experts (SMEs), helped determine acceptable responses based upon the stimulus material presented to the candidates, and they scored the performances. In the oral portion of the examination, candidates were presented with a scenario. The scenario involved a response to an armed robbery at a convenience store and the actor's carjacking a motor vehicle containing an infant child outside of the store. They were given 30 minutes to read the scenario and questions, and to decide how to answer. In the examination room, candidates were given instructions and read the questions, and then they were given 15 minutes to give their response to all of the questions.

Performances were audio and visually recorded and scored by SMEs. Each performance was rated on a five-point scale, with 5 as the optimal response, in two components: (1) Oral Communication and (2) Technical Supervision/Problem

Solving/Decision-Making. The appellant scored a 5 for the technical component, and a 4.5 for the oral communication component. The score of 4.5 on the oral communication component was based upon a finding by one of two assessors that the appellant failed to use appropriate words during his presentation, as he began a substantial portion of his sentences with the phrase “I will.”

On appeal, the appellant argues that his usage of “I will” adequately addressed the action that needed to be taken to successfully address the scenario, as it spoke directly to how personnel and equipment would be utilized to successfully resolve the issues presented. He maintains that the deduction of points from his score based upon his use of “I will” is arbitrary, as the oral examination ratings standards encourage the use of words that convey confidence like “will” and “must” and permit assessors to deduct points when candidates use words that do not do so, like “might” and “could.”

CONCLUSION

The appellant disagrees with his score of 4.5 for the oral communication component. The appellant received a score of 4.5, as one of the two assessors found that the appellant failed to use appropriate words.

Two factors associated with oral communication are word usage/grammar and demonstrating confidence and certainty about one’s position. Word usage/grammar is defined as using appropriate words and sentences that are grammatically correct. Demonstrating confidence and certainty is observable by the use of pauses to reorganize, through demeanor, by word usage, and by actions. While it may be acceptable for candidates to use “I will” or similar phrases to convey their confidence and certainty about their position on a topic, it is not acceptable to present many distracting verbal mannerisms, such as the repeated use of a given phrase at the beginning of a significant number of sentences. This was an examination setting where 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. In the instant matter, it is noted that the assessors did not find that the appellant had an issue with confidence. Rather, as noted above, one of two assessors found that the appellant’s use of the phrase “I will” was a minor weakness in word usage.

A review of the appellant’s video and related examination materials reveals that the appellant used many distracting verbal mannerisms. Namely, after a three-sentence introduction, the appellant began nearly every sentence prior to his two-sentence conclusion with “I will” or “I would,” including at least 36 sentences in his response to Question 1 and at least 23 sentences in his answer to Question 2. Thus, although the appellant’s use of “I will” and “I would” did not create a confidence issue with his presentation, it was problematic, as his usage of those

phrases at the beginning of a substantial proportion of his sentences was clearly distracting and created an impression that one was listening to a laundry list rather than a coherent presentation.

In the scoring of oral communication, a score of 4 indicates that one minor weakness detracts from the communication. Moreover, a score of 4.5 would result from one assessor awarding a score of 4 and the other a score of 5. A review of the appellant's performance indicates that he had a weakness in word choice. As this weakness was noted by only one assessor, the appellant received a score of 4.5. This review reveals that the presentation undoubtedly had a weakness in word usage/grammar, and the score for this component should be reduced from 4.5 to 4.

Accordingly, a thorough review of the 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 and that the appellant's score for the oral communication component of the Police Captain (PM0643V), Town of Kearny examination be reduced from 4.5 to 4.

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 20TH DAY OF JUNE, 2018



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