



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Daniel Schallawitz, Fire Captain
(PM1134S), Ocean City

Examination Appeal

CSC Docket No. 2016-2821

ISSUED: **NOV 16 2016** (RE)

Daniel Schallawitz appeals his score for the oral portion of the promotional examination for Fire Captain (PM1134S), Ocean City. It is noted that the appellant passed the subject examination with a final score of 85.330 and his name appears as the 9th ranked eligible on the subject list.

It is noted for the record that 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 3 for the technical component, a 5 for the supervision component, and a 5 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 5 for the oral communication component. The appellant challenges his score for the technical component of the evolving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved a fire in a pet store in the middle of a four-store strip mall of lightweight, steel-joint construction built in the 1980s. It is 7:30 AM on a Tuesday in February and the temperature is 33° Fahrenheit with clear skies and a wind blowing from east to west at 8 miles per hour. Upon arrival, it is noticed that smoke is coming from the side A windows of the pet store. The candidate is the commanding officer of the first arriving ladder company and he establishes command. There were two technical questions. Question 1 asked for specific actions to be taken upon arrival. Question 2 indicates that, during the incident the

candidate notices smoke inside of the furniture store on side B. The question asked what actions should now be taken, based on this new information. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

In regard to the technical component, the assessors noted that the appellant failed to stretch a hoseline into the furniture store, which was a mandatory response to question 2. They also indicated that he missed the opportunity to force entry into the furniture store. They used the flex rule to assign a score of 3. On appeal, the appellant states that the question was subjective and vague, as it did not detail when the smoke became present or the color of the smoke. He does not argue that he took the mandatory action, but that he had more important considerations, such as fire still present in the pet store and a possible roof collapse. He states that he pulled the ceiling in the furniture store and used a thermal imaging camera. He states that the delta exposure was more likely to have fire spread, and spread into the bravo exposure (furniture store) without detection was unlikely. As to the other action, the appellant states that, as the Incident Commander (IC), he evacuated the furniture store and investigated the presence of the smoke. He argues that he should not have to tell the ladder company to force entry, as that is micromanagement.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. All mandatory responses must be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5.

A review of the appellant's video and related examination materials indicates that he thoroughly responded to question 1. However, the SMEs determined that the candidate should remain on the offensive in response to the evolution of the scenario in question 2. They did not agree that a defensive mode was justified based solely on the fact that smoke was observed inside the furniture store on side B. As such, they determined that a mandatory response to this information was to stretch a hoseline to the furniture store, and stretch a backup line into that store. In his response to question 1, the appellant evacuated exposure B and noted the

heavy fire load. However, the SMEs determined that an appropriate additional response would be to check or perform forcible entry into the furniture store on side A. There were front doors and back doors, and the appellant did not indicate how he would order entry into the store. This was a formal examination setting, and candidates were required to demonstrate their knowledge of actions to be taken on the fire ground. The appellant ordered his crew into full PPE and SCBA and did not have an issue with micromanagement for those actions. The SMEs determined that the IC should order a ladder company to check or perform forcible entry into the furniture store on side A, but was not so specific as to indicate how they should do so (look for a lockbox, check the door, etc.).

In response to the evolution of the scene, provided in question 2, the appellant stated that he was concerned with the fire load and poke holes. The appellant asked for a crew with a TIC to pull the ceiling and check for extension. He wanted to see if there was just smoke, which he would monitor, and he would extinguish the fire in the original store. The appellant stated that if it was more than that, and if the fire has hit the steel bar joists, he would evacuate the building and extinguish from the exterior. As noted above, credit cannot be given for information that is implied or assumed. The appellant sent his crew into the furniture store without a hoseline, which was a mandatory action to be taken given that there was smoke in the furniture store. The appellant's response did not take into account the possibility that the crew would be working in the furniture store with fire present. All candidates were given the same information, and the question was clear enough that many candidates were able to provide this mandatory response. He missed this mandatory response, and the additional response noted by the assessors. As such, his score of 3 for this component is correct and will not be changed.

CONCLUSION

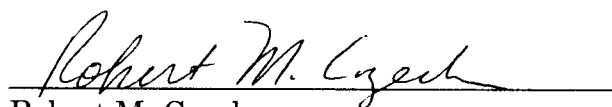
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 10th DAY OF NOVEMBER, 2016



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