

responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. The appellant received the following scores for the technical component for each question, in order: 5, 2, 1, and 1. He received the scores of 5, 4, 5, and 5 for the oral communication components.

The appellant challenges his scores for the technical components for the Supervision, Administration, and Incident Command – Fire Incident scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The Supervision scenario indicated that the candidate was a newly promoted Deputy Fire Chief directly supervising five engine company captains, two ladder company captains, and one rescue company captain. While the candidate was on vacation leave, Fire Captain Eastwood, the tour's senior captain, was acting tour commander. Upon returning to duty, the candidate is informed that there had been a serious fire in an unoccupied, abandoned building where a roof collapsed, resulting in a very close call for the interior and roof crews. Based upon the nature of the incident and department SOGs/SOPs, Fire Captain Eastwood should have used a more cautious approach. There was no post-incident analysis of this incident, and the candidate calls a tour meeting to discuss what happened. During the analysis, the candidate asks Fire Captain Eastwood, the Incident Commander (IC) about his decision to order an aggressive interior attack. He states, "What else could we do? The only way to put the fire out is to go in and get it. If I hadn't used an aggressive attack, we would have been there all night in a surround-and-drown situation. What else could we do?" The candidate decides that this would be a good opportunity to review the tactics involved in a non-aggressive interior attack with the tour. Instructions to candidates are to answer the questions based on the texts *Managing Fire and Emergency Service* and *Safety and Survival on the Fireground* and their experience. Question 1 asks which tactics should have been more appropriate for a non-aggressive interior attack based upon Fire Captain Eastwood's actions at this incident. Question 2 adds that the candidate already has had a one-on-one meeting with Fire Captain Eastwood on how to take a non-aggressive approach in these types of incidents. It asks for types of training to be arranged for the tour to prevent a similar dangerous incident from re-occurring.

The assessor indicated that the appellant missed the opportunities to mention do not operate on a roof above the fire, and do not search for fire without a hose line in response to question 1; as well as the opportunity to arrange for training on building construction/roof collapse in response to question 2. On appeal,

the appellant argues that searching for fire without a hose line is not a proper non-aggressive interior attack response without a confirmed life hazard, as the collapse potential is great and it would endanger personnel. Instead, he argues that they should use a defensive mode with an outside hose stream. As to training, the appellant argues that he set up training on collapse zones, rig placement for collapse hazards, tactics for abandoned buildings, and set up reviews of all pre-fire plans and inspection reports.

In reply, as to the response of "do not search for fire without a hose line," the SMEs determined that this was an appropriate tactic for a non-aggressive interior attack in this instance. The scenario does not indicate whether or not there was a confirmed life hazard, however, it is never advised to search for fire without a hose line. The appellant stated that additional water would be needed, and he received credit for using the reach of the stream rather than advancing beyond the doorway, which was another action. However, the appellant is arguing that there should be no interior attack based on the collapse potential. This is a revision of the question asked, and is not a response to the actual question. The appellant responded to the question with tactics to handle a collapse, rather than with tactics to handle a non-aggressive interior attack. He stated, "No personnel shall enter the structure until it is deemed safe." He also responded by providing the actions he would have taken at the scene, which is not what the question asked. Further, these actions pertained to a defensive attack rather than a non-aggressive interior attack. An appropriate non-aggressive interior attack tactic includes searching for fire, but it should not be done without a hose line.

Regarding training, the appellant received credit for arranging for training on tactics for abandoned buildings, and for training of pre-fire planning. Nevertheless, he did not mention training on building construction/roof collapse. As noted, credit cannot be given for information that is implied or assumed. Training on collapse zones is different than training on roof collapse and building construction, and the appellant received credit for training on collapse zones. Rig placement for collapse hazards is clearly not the same. The appellant missed the actions as noted by the assessor.

The appellant states that the questions do not test supervisory knowledge, but were administrative questions. He argues that they do not match the sample scenario and refer to the ability to address interactions between fire personnel, the public, and other emergency scene personnel. As a remedy, he suggests that the questions be thrown out, or redesigned and the candidates be retested, or all candidates be given a passing score. In reply, Administration, at the Deputy Fire Chief level, refers to matters that would affect the entire fire department. Scenarios for Administration are not written from the viewpoint of a Tour Commander, but of a department-wide view. Likewise, supervision scenarios are written from the perspective of a Tour Commander who has several fire personnel

working directly under him. In the context of these Supervision scenarios, the Deputy Fire Chief may have to address issues with single individuals, such as a Fire Captains or Battalion Fire Chiefs, or as a Tour Commander either as a direct supervisor or higher level supervisor. They may also have to address issues with an entire company or even the entire tour. Since these scenarios involve only fire personnel that work directly under the Deputy Fire Chief, they are considered Supervisory scenarios. At the Fire Captain level, many interactions are on a one-on-one basis, but the Deputy Fire Chief has a much broader span of control and his interactions will have to cover a group of individuals, from multiple ranks, under his command.

In this particular scenario, there was a problem with the way a Fire Captain, who is under the Deputy Fire Chief's direct supervision, handled an emergency scene. During a meeting with this Fire Captain, the candidate would go over what he should have done at the emergency scene and review with him how to perform a non-aggressive interior attack. In addition, based on the incident and the fact that Fire Captains are generally in charge of running training drills with their subordinates, the candidate should realize that other members of the tour might have picked up the Fire Captain's bad habits and that the entire tour should be re-trained. The focus of the scenario was to go over the incident with the subordinate and how he should have performed. As the Tour Commander, the Deputy Fire Chief is also responsible for the training of everyone under his supervision and would, in conjunction with the Training Officer, determine what training would be appropriate in this scenario. It is noted that a job analysis is performed for each title which identifies the underlying knowledge, skills and abilities necessary to successfully perform the duties of the position under examination. Each scenario was developed from a task or tasks that incumbents or supervisors of incumbents deemed important to job performance. Each question was designed to elicit responses that could be used to assess knowledge of these important areas. The appellant has presented no evidence that contradicts the validity and job-relatedness of this examination.

The administration scenario indicated that the Fire Chief has informed of the newly promoted Deputy Fire Chief that the department is updating the Fire and Life Safety Education Programs, and is in the process of conducting a community risk assessment of the candidate's response jurisdiction. The Fire Chief has informed the candidate that the first step in the process is to develop a population profile of the community, and has asked the candidate to identify the trends, types, and number of emergency response incidents in the community. Instructions to candidates were to base their responses on the text *The Fire Chief's Handbook* and their experience. Question 1 asked for specific sources of information that they should refer to in order to identify the community profile. Question 2 asked how the candidate should identify that trends, types, and number of response incidents in

the community. Again, instructions to candidates were to be as specific as possible and not assume or take for granted the general actions will contribute to their score.

The assessor indicated that the appellant missed the opportunities to request information from AARP and senior groups and request information from local businesses, in response to question 1, and to research ISO ratings and request information from law enforcement in response to question 2. On appeal, the appellant states that he would gather all information from inspection reports, and get information and reports from all departments. He argues that the assessor did not prompt him to be more specific.

In reply, candidates are required to present information in such a manner as it is clear that they know the subject matter. If the appellant meant that he would request information from local businesses in response to question 1, he should have said so. Stating that he would gather all information from inspection reports is insufficient, and requires the listener to infer that he meant to say that he would request information from local businesses. Again, information that is inferred cannot be credited. Similarly, if the appellant would request information from law enforcement, he needed to articulate that response, rather than let the assessor infer that he meant law enforcement when he said he would get information and reports from all departments. He cannot be credited for vague and unspecific responses.

As to the assessor's interaction, the role of the assessor was not to prompt candidates for responses until they provided them, nor were they to try to interpret ambiguities in candidate responses. Candidates were required to orally communicate their answers to the questions to the best of their ability. The assessor could, however, ask for clarification if they did not understand a response. They could not interrupt a candidate and they are instructed to wait until the candidate has finished speaking, or had run out of possible responses, before asking a question. They could also redirect a candidate who was obviously off-track. A review of the audiotape of this incident reveals that the appellant spoke steadily in response to question 1. He then asked for a minute to review his notes, did so, and then stated he was going on to question 2. The appellant's response to question 2 included setting up a committee to do research on the topics listed in the question. He spoke more on how the committee would function rather than on how he would identify the trends, types and number of response incidents in the community. The appellant continued speaking steadily and stated that he was finished with question 2. When the assessor asked him if there was anything he would like to add, the appellant responded, "Is there anything you would like me to add?" This question cannot be answered by either assessor, as it suggests that the assessors should provide him with responses. The assessors are not required to prompt the candidates, and in this case, the assessor did not have a question for the appellant and the appellant stated that he had nothing to add.

The Incident Command-Fire Incident scenario concerned a report of a hazardous materials incident at a tank farm in February. It is 4:00 PM, 15° F, with little to no wind. There are three tanks in the immediate area and the tank on fire is a flammable liquid storage tank in close proximity to the two other flammable liquid storage tanks. Side A faces a road which is currently experiencing heavy traffic. Upon arrival, the candidate observes the centermost tank on fire and there is liquid leaking from near the top of the tank. There is also a fire in the diked area that surrounds the three tanks. Responding apparatus are having difficulty accessing the emergency scene due to the high traffic and plant workers are beginning to gather at the storage facility entrance. Instructions asked candidates to base their responses on the text *Hazardous Materials: Managing the Incident* and their experience. Question 1 asked for information that should be gathered in the size-up process. Question 2 asked for specific actions that should be taken to mitigate the incident.

The assessor noted that the appellant failed to establish a safety officer, ensure the pipes and valves leading to the tanks were shut off and to protect tanks in the vicinity. These were mandatory responses to question 2. He also noted that the appellant missed the opportunity to indicate the probability that the fire will be contained to its present size, which was an additional response to question 1. On appeal, the appellant argues that there is not enough information given in the scenario to indicate that the fire would be contained to its present size. He states that once the fire was under control, he would declare it so. He also indicates that he ordered the Haz-mat team to stop the flow, and that it is standard operating procedure for spill containment to shut down all appropriate valves and pipes pertaining to an associated leak.

In reply, the appellant's argument is misplaced. The question asked for information to be gathered during the size-up process, and the response that the appellant did not give was the *probability* that the fire will be contained to its present size. On appeal, the appellant read this as meaning that he should have stated that the fire *would* be contained to its present size. This is simply not true, and his arguments do not pertain to the actual note of the assessor. A review of the appellant's presentation indicates that he did not state that he would ensure the pipes and valves leading to the tanks were shut off. He is requesting that he be credited for information that is implied in his order to the Haz-mat team to stop the flow. If the appellant knew that he would ensure the pipes and valves leading to the tanks were shut off, he needed to have mentioned that in his presentation to receive credit for it. As he did not, he missed this mandatory response as noted by the assessor, as well as the other mandatory response of protecting tanks in the vicinity. The appellant score of 1 for this component is correct.

CONCLUSION

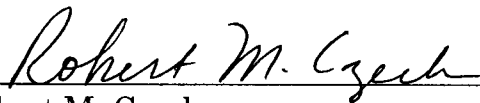
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 7th DAY OF DECEMBER, 2016



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