

B-81



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of
William Kelly, Fire Captain
(PM1131S), Newark

CSC Docket No. 2016-2579

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ISSUED: DEC 13 2016 (RE)

William Kelly appeals his score for the oral portion of the promotional examination for Fire Captain (PM1131S), Newark. It is noted that the appellant passed the subject examination with a final score of 82.200 and his name appears as the 72nd ranked eligible on the subject list.

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 1 for the supervision component, and a 4 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 3.5 for the oral communication component. The appellant challenges his scores for the technical and supervision components 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 involves a fire in a single-story, steel-frame building built in the early 1980s. The building is a Collision and Frame Straightening garage with three bays. It is 1:30 PM on a Monday in May and the temperature is 41° Fahrenheit with clear skies and a wind blowing from west to east at 7 miles per hour. Upon arrival, it is noticed that smoke is coming from garage bay doors on side A, and from the windows of the office area on sides A and D. Dispatch indicates that an employee says that a fire started in the reception area and quickly filled the area with smoke. He is unsure if all the employees and customers were able to evacuate the building. The candidate is the commanding officer of the first

arriving engine company and he establishes command. There were two technical questions. Question 1 asked for initial actions and specific orders at the incident upon arrival. Question 2 indicates that a drop-ceiling collapse occurs in the reception area and there is a report of a missing firefighter. The question asked what actions should now be taken, based on this new information. Question 3, the supervision question, indicates that, during fire operations, the nozzleman gets distracted and hits another firefighter with the hose stream, injuring him. This question asks what should be done at the scene and after returning to the firehouse. 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 call for a Personnel Accountability Report (PAR), which was a mandatory response to question 2, and he missed the opportunity to establish a secondary water supply. They used the flex rule to assign a score of 3. On appeal, the appellant states that he requested that his first due engine company come with an adequate water supply, and had a second engine company arrive as backup to the first with their own water supply. He states that he also had remaining engine companies have their own adequate supply of water. Regarding the mandatory response, the appellant argues that he had an Accountability Officer, so he did not need to call for a PAR.

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.

A review of the appellant's video and related examination materials indicates that the appellant stated, "My engine company will come, my chauffeur will get an adequate water supply from the fire hydrant that's right there in front of the building on Sparrow. We will have a 2½ attack line and we will stretch it to the door on the A/D side located close to the reception area where we was told that the fire was at." Regarding the backup line, the appellant stated, "So my second engine company will come and they will back us up with an inch and ¾ making sure that we have a means of egress. My primary objective as the first engine company captain is to get that 2½ inch line between any occupants and the fire." The appellant did not state that he would have the second engine company back up the first engine with their own adequate supply of water, as indicated in his appeal. Thus, he missed the opportunity to establish a secondary water supply.

As to the mandatory response, the appellant responded to question 1 for the first 8 minutes of the scenario, and he began answering question 2 at the two-minute warning. His response consisted of the actions he wrote down regarding the supervision question. That is, he requested a Rapid Intervention Team (RIT) and he took the firefighter that was missing after the drop-ceiling collapse to the EMS for treatment, triage and transportation. He did not call for a PAR. The appellant did not call for an Accountability Officer in response to question 2, and even if he had, that is not the same action as calling for a PAR. He did not mention that the Accountability Officer would call for a PAR, and the appellant cannot receive credit for calling for a PAR after the drop-ceiling collapse because he assigned an Accountability Officer in response to question 1. Candidates are required to state their actions during their presentation and credit is not given for information that is implied or assumed. The appellant missed the mandatory response, and the additional action listed by the assessors, and his score for this component will not be changed.

In regard to the supervision component of the evolving scenario, the assessors noted that the appellant missed the opportunities to have the injured firefighter seen by EMS, to create and file an incident injury report, to keep the Chief informed of the situation, and to document any actions taken. On appeal, the appellant states that on scene he requested the RIT take the injured firefighter outside to the EMS for treatment, triage and transportation.

A review of the appellant's video and related examination materials indicates that the actions that the appellant listed on appeal were in response to question 2. The appellant did not deal with the firefighter who was injured from the hose stream by the distracted nozzleman, but he merely stopped the action. The appellant's response to question 3 was extremely brief and he missed the actions noted by the assessor. His score of 1 for this component is correct.

CONCLUSION

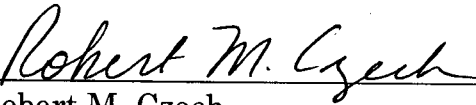
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 7th DAY OF DECEMBER, 2016



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