

B-27



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Stephen Pappalardo,
Battalion Fire Chief (PM1499T),
Newark

Examination Appeal

CSC Docket No. 2017-1346

ISSUED: FEB 14 2017

(RE)

Stephen Pappalardo, represented by Nicholas Dimakos, Esq., appeals his score on the examination for Battalion Fire Chief (PM1499T), Newark. It is noted that the appellant passed the examination with a final average of 79.460 and ranked 21st 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. 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, 1, 3 and 4, 4, 4, respectively.

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

The Supervision scenario concerned two subordinates of a newly appointed Battalion Fire Chief. Captain Clark and Captain Zuniga have been having trouble working together and differ on many points about how duties should be divided among the companies, such as how and when the station should be cleaned and what groceries should be brought in and by whom. These problems seem trivial, but they have started the spill over into other areas of work. For example, they fail to coordinate training sessions when both companies should be training together, and there have been disagreements at emergency scenes. The candidate has spoken to both of them informally about the need to get along, but now the situation is out of

control. The candidate walks into a lunchroom where they are in a shouting match in front of several fire fighters. Captain Zuniga calls Captain Clark a very strong expletive and Captain Clark retaliates by calling Captain Zuniga a racial slur. The scenario asked candidates to answer the questions based on the text *Managing Fire and Emergency Services* and their experience. Question 1 asked for specific actions to be taken now and in the future. Question 2 indicated that, after preliminary actions, relations have not improved between the two fire captains. In fact, it seems that the situation is worse because now there are problems between the members of their respective fire companies. Question 2 asked for specific actions that should now be taken based on this new information.

For the Supervision scenario, the SME indicated that the appellant missed the opportunity to schedule the members of both companies for sensitivity training (question 2). On appeal, the appellant argues that he took this action.

In reply, in response to question 1, the appellant received credit for scheduling the Fire Captains for sensitivity training when he stated, "I will offer sensitive... ah, sensitivity training. I will make sure they both comply with the rules and regulations also cover engine and ladder refresher courses if need be." Instructions to candidates which are read after the questions state, "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." Scheduling members of both companies for sensitivity training was a separate action to be taken based on the new information given in question 2. The appellant's statement that he would "cover engine and ladder refresher courses if need be" was not specific enough for credit. The appellant did not state it was sensitivity training as a result of the new information that there are now problems between the members of the Fire Captain's respective fire companies, and "if need be" means that he might not offer it. The appellant's response to question 2 was very brief, with two actions, and he did not include scheduling the members of both companies for sensitivity training. His score of 4 for this component is correct.

The Administration scenario indicated that the department responded to a fire that was believed to be a one-story, abandoned warehouse. However, upon arrival, it was discovered that the warehouse had recently been converted into a childcare center. While there were no major injuries, the Incident Commander's strategy and tactics were severely affected by the change of use and occupancy. The Fire Chief has called the newly appointed Battalion Fire Chief into his office to discuss the situation, and tasked him with investigating the incident and to revise the department's current pre-fire plan procedure. The scenario asked candidates to answer the questions based on the text *The Fire Chief's Handbook* and their experience. Question 1 asked for specific steps to be taken to investigate the incident and the lack of an updated pre-fire plan. Question 2 asked which should be included in a pre-fire plan standard operating guideline/procedure (SOG/SOP).

For the Administration scenario, the SME indicated that the appellant missed the opportunities to interview the incident commander present on scene (question 1), contact the building owner (question 1), to review incident reports at this location (question 1), and to include frequency of inspections in the SOP (question 2). On appeal, the appellant believes that it was noted that he did not implement "show and tell" in the school and that he did not explain escape routes. This is unrelated to the assessor comments and to the appellant's score. The appellant goes on to argue that he discussed implementing a program including training fire academy teachers who would go to school and teach children the routes and exits. He states that he updated the pre-fire plan with permission of the Fire Chief.

A review of the appellant's video and examination material indicates that the appellant missed the actions noted by the SME. The review of the appellant's presentation indicates that he may have misinterpreted the scenario and questions. He responded as though he was asked to implement a program, and he formed a committee and provided generic information about how he would implement and conduct a program. He stated he would train the trainers by having outside agencies teach "pre-fire plan," "consolidate all our trainers," and "respond to schools and perform drills and explain routes of exits." He secured funds and grants, documented "people, places and certifications," and implemented a pilot program after obtaining the Chief's approval. All this information was irrelevant and completely unresponsive to the questions. The appellant's response to question 2 was very brief and equally immaterial. He stated that he would include in the SOP daily drills at the school, implement show and tell, and explain escape routes to children. This concluded his response to question 2. Accordingly, the appellant's score of 1 is correct.

For oral communication, the SME noted a weakness in specificity. He stated that the appellant was very general and lacked supporting specific actions as to how to accomplish a task. The appellant mentioned that firefighters implemented show and tell and explain the escape routes, then ended the presentation. On appeal, the appellant argues that contrary to the SME's notes, he explained escape routes.

In reply, the orientation guide that was available to each candidate indicated that oral communication, the ability to communicate clearly and concisely, was a component of this portion of the exam. One factor in oral communication is specificity, and a weakness in specificity is demonstrated in a response that is general or lacking the detail necessary to fully address the PCAs. The appellant's argument is a response to a misunderstanding of the SME's notes. The SME was explaining the brevity of the appellant's response to question 2: he was not noting that he did not take these actions. As indicated above, the appellant's entire response to question 2 was not appropriate to the question asked. The appellant's response in question 1 was general, and lacked the specific actions he would take to investigate the incident and the lack of an updated pre-fire plan. His score for this component will not be changed.

The Incident Command scenario involved a report of a fire at a local paint store. It is 2:00 PM on a sunny afternoon in April, 55 degrees Fahrenheit, and the wind is blowing from west to east at five from miles per hour. The fire building is a one-story, lightweight wood-frame constructed taxpayer with the trust roof of measuring 150 feet by 75 feet. The paint store measures 20 feet by 75 feet. The side B exposure is a glass and mirror store, while the side D exposure is a liquor store. Upon arrival, the candidate sees fire and smoke emanating from side A of the paint store. An employee states that the fire spread quickly throughout the store and he believes some customers and employees may not have escaped. The scenario asked candidates to answer the questions based on the text *Fire Officer's Handbook of Tactics* and their experience. Question 1 asked for specific actions to be taken upon arriving at the scene. Question 2 indicated that, during overhaul, the roof collapses over the paint store trapping several fire fighters. Question 2 asked for specific actions that should now be taken based on this new information.

For the technical component, the SMEs noted that the appellant failed to attempt to contact the trapped firefighters, which was a mandatory response to question 2. He also indicated that the appellant missed the opportunity to call for ATF/Health Department (question 1). He used the "flex rule" to assign a score of 3. On appeal, the appellant argues that he engaged the Rapid Intervention Crew (RIC), and protected the RIC with a hose line. He also states that he called other resources, and that he did not have to call ATF, since it was not as important as who he did call, which was an arson squad, OEM, FEMA, New Jersey Task Force One, Hazmat, and a sand truck. Additionally, while the appellant states that he appeals his score for the oral communication portion, his arguments are unrelated to the assessor comments regarding a weakness in non-verbal communication. Rather, he argues that he mobilized the RIC team which resulted in the trapped firefighters being taken to EMS and a hospital.

In reply, 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 more than 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 5.

For the Incident Command scenario, a review of the appellant's video and related examination materials indicates that the appellant activated the RIC and received credit for this action. This was another mandatory response to question 2. He also conducted a Personnel Accountability Report (PAR), another mandatory response. These actions indicate that he was aware of trapped firefighters. However, he did not attempt to contact the trapped firefighters. Again, credit is not awarded for information that is implied or assumed. If the appellant knew he should attempt to contact the trapped firefighters, he needed to have articulated that action in his response. As to the additional response, the SMEs determined that it was necessary to contact the ATF or Health Department in response to question 1. The appellant contacted OEM, FEMA and the New Jersey Task Force One in response to question 2, the evolution of the scene. This response is not the same as that listed by the assessors. As he did not give all of the mandatory responses, his score for this component is correct.

CONCLUSION

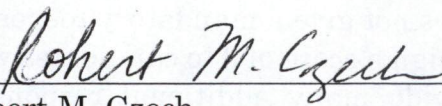
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 8th DAY OF FEBRUARY, 2017



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: Stephen Pappalardo
Nicholas Dimakos, Esq.
Michael Johnson
Records Center

Division of Health and Human Services
Department of Health and Human Services
Washington, D.C. 20492
P. O. Box 213
Washington, D.C. 20492-0213

Dr. Stephen P. Harlow
Nicholas Durrant, MD
Michael J. Linn, MD
Harlow, MD