



STATE OF NEW JERSEY

In the Matter of Frank Thompson III,
Battalion Fire Chief (PM2149W),
Camden

CSC Docket No. 2020-1289

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

Examination Appeal

ISSUED: January 30, 2020 (RE)

Frank Thompson III appeals his score on the promotional examination for Battalion Fire Chief (PM2149W), Camden. It is noted that the appellant passed the examination with a final average of 83.490 and ranks ninth 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 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. 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). These components 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, 3, 1 and 5, 3, 4, respectively.

The appellant challenges his scores for the technical component for each scenario, 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.

CONCLUSION

The Supervision scenario involved a crew who abandoned their apparatus and attended a sporting event for free when they should have been staged outside of the event. Later that evening, Engine 7's crew is late to respond to a call where the candidate arrived one minute earlier than they did, and the homeowner is upset. This question asks for specific actions to be taken now and the back at the firehouse.

The SME indicated that the appellant missed the opportunities to interview each firefighter **individually**. On appeal, the appellant argues that he said he would interview crew, staff and workers and get written reports.

In response, the SME specifically indicated that the appellant failed interviewed firefighter **individually**. In his presentation, the appellant stated, "Ah, I would

ensure that I ah scheduled a meeting with the Captain and the crew, and I would conduct an investigation. My investigation would consist of ah, investigating the crew members by getting a written report on what happened there. Were they, were they ah at the apparatus, or did they leave away from the apparatus after I told them to go back to the apparatus. What exactly happened there and why they didn't respond to the call in a, in a timely fashion. I would ah get written reports from the crew members and the Captain to find out exactly what happened, also any witnesses that was there. And I would get a written report from the citizen themself to ensure that ah I got the specifics on exactly what they say occurred happened. I would um investigate, I would talk to the facility manager to see if they were there, if they had any idea where they was at or, or what they were doing at the time that the call came in and find out the specifics on the incident." The instructions in the scenario tell candidates to be as specific as possible and not to assume or take for granted that general actions will contribute to a score. The appellant received credit for having the captain and crew submit written statements of what happened, which is a separate action that contributed to his score. However, there is no indication in this response that the appellant was interviewing each member separately. The appellant cannot receive credit for information that is implied or assumed, and his score of 4 for this component will not be changed.

In the administration scenario, a drug addiction facility is being located in an established a residential area in the candidate's first due response area, and the citizens are upset. A credible threat has been made regarding the ribbon-cutting ceremony to be held in two weeks regarding a protest at the ceremony and a firebombing on new construction. The candidate is to develop an incident action plan for the ceremony and address fire protection for this building. Question 1 asked for steps to take to evaluate and address the community fire protection regarding the dedication ribbon-cutting ceremony and beyond at the new Crawford Drug Addiction Facility. Question 2 asked for specific information that should be included in this incident plan to effectively cover the threats made on social media.

For this scenario, the SME indicated that the appellant missed the opportunities to determine sprinkler system operability, and to utilize the unified command structure, for question 2. On appeal, the appellant states that there is no reason to check the system as there was no history of problems, and that the fire marshal and fire investigators would guide decision-making in such areas. He also stated that he formed a committee with a leader and members from all departments to make unified decisions.

In reply, the appellant did not respond to each question separately, but provided one continuous reply, which included many responses to question 1 and very few to question 2. The appellant's arguments on appeal are in response to question 1, while the assessor comments are specific information that should be included in the incident action plan. A Unified Command is an authority structure in which the role

of Incident Commander is shared by two or more individuals, each already having authority in a different responding agency. This is part of the ICS; however, the appellant did not state he would have a Unified Command, and again, credit is not given for information that is implied or assumed. Additionally, the appellant did not include any information regarding the building and circumstances of the scenario. The appellant missed the opportunity to determine the sprinkler system operability of the building, as well as other actions such as plan a command post and prepare an evacuation plan for civilians. The appellant missed the actions noted by the SME, and his score of 3 for this component will not be changed.

For the oral communication component of the Administration scenario, the SME indicated a major weakness in word usage/grammar. Specifically, it was indicated that the candidate used “ah” and “um” over 45 times. On appeal, the appellant argues that this is a natural form of separation of thoughts, they were not stated because of lack of knowledge, and four “ahs” per minute is not a major concern. He states that no one speaks with perfect fluency all the time and he should not be penalized for imperfect fluency under time constraints.

In reply, a weakness in word usage/grammar is found when the candidate mispronounces words, uses sentences that are grammatically incorrect, repeats words and phrases, or uses inappropriate words. The assessor noted that the candidate used “um” and “ah” as examples, but this is not the only inappropriate word usage in the appellant’s presentation. A review of the videotape indicates that the appellant talked at times in inaccurate sentences, used distracting verbal mannerisms such as “ah,” repeated words and phrases, and used improper diction. For example, he stated, “And I will also get a representative from the Crawford Drug, Drug Facility and any um, any ah higher um, any higher intelligence like the ATF, the FBI that could assist us.” In this sentence, the appellant repeats words (drug, any, higher), uses “um” and “ah,” and did not use a conjunction between “the ATF” **and** “the FBI.” At another point, the appellant stated, “I would interview the past Chief with the past man that they had and see exactly what they had and how he upgraded and make it better. I would ah, review the past supervisor, find out what he did and what he was, what he was doin’ to prevent all these issues.” In this passage, the appellant referred to a “past man,” which is inappropriate. He may have repeated the entire sentence if the “past man” was the “past supervisor.” The appellant used the word “make” instead of “made,” used “ah,” had no conjunction in “supervisor, find,” and did not properly pronounce “doin’.” The appellant stated, “Ah, we come up with a timeframe that we want to have this. The Chief has this ah, event cer.. ribbon ceremony cuttin’ within two weeks planned so we’ll make it within the one week to have all our situation planned out. And about ten days to have it ah, up and runnin’ and tested.” The appellant routinely does not pronounce the “g” at the end of words, the phrases, “within two weeks planned” and “have all our situation planned out” are not grammatically correct, and the appellant used “ah” twice in this passage. The appellant’s score of 3 for oral communication will not be changed.

The Incident Command scenario involved a fire at a powder metallurgy facility. Question 1 asked for specific actions upon arrival at the scene. Question 2 indicated that during fireground operations, there is an explosion inside the facility and a Mayday is being broadcast. It asked for specific actions to be taken based on this new information.

For this scenario, the SME noted that the appellant failed to protect the storage area; failed to monitor air quality; and failed to set up cold and warm and hot zones prior to the explosion. These were mandatory responses to question 1. It was also indicated that the appellant missed the opportunity to establish a staging area, which was an additional response to question 1. On appeal, the appellant states that there were no identifying conditions that warranted the eight step Hazmat process. He states that it was a metal building containing aluminum and steel, and was possibly a metal scrap facility. He argues that the storage area was locked away safe and unaffected, there were no victims down or hazmat indicators, he checked CO and IDLH, he established zones once there was an explosion, and he called for a staging area for resources.

In reply, the scenario indicated that upon arrival, the candidates saw smoke emanating from one of the loading bay doors, and a manager indicated that a fire started in the loading area. It is noted that the loading dock is on side A, and is separate from the storage area, which was on side C. Side C faces small wooded area beyond which was a trailer storage area containing five 55-gallon drums full of powdered metals used in the metallurgy process, such as lead, cobalt, and magnesium. The scenario indicated that the storage area was at the rear of the facility and is not yet affected.

The scenario was clear that this was a powder metallurgy facility, not a metal scrap facility. Powder metallurgy involves a wide range of ways in which materials or components are made from metal powders. These powders can be hazardous to humans. For example, lead is a heavy metal that is most commonly associated with poisoning. Magnesium oxide fume is a by-product of burning magnesium, and a dust explosion is possible if in powder or granular form it is mixed with air. Cobalt is a hazardous substance that can affect you if you breathe it, is a carcinogen, is flammable, and may ignite spontaneously.

As to the drums, the appellant does not argue that he took the action noted by the assessor, but that the action need not have been taken. The SMEs disagreed when they created the PCAs, and they determined that the storage area containing five 55-gallon drums full of powdered metals used in the metallurgy process, such as lead, cobalt, and magnesium needed to be protected by a hoseline, or removal of the drums. The appellant's argument that this was a metal building containing aluminum and steel, and there were no conditions that would lead to considering this to be a Hazmat

site, is unpersuasive. The appellant argues that there was no report of a Hazmat. However, in his presentation he called for a Hazmat unit. The presence of a fire around explosive, hazardous materials is a Hazmat incident, but the appellant failed to take actions to mitigate the presence of hazardous materials. Step 1 of Incident Management Operations of a Hazmat Incident, site management and control, includes establishing hazard control zones, and at minimum, a hot zone. The appellant did not take this action at the outset, but waited until there was an explosion. This step also involves staging to minimize safety concerns. The appellant stated, "I would establish a second and third and a fourth alarm and I'm report to staging. First from the staging would be staging command." The appellant's response is simply not specific enough to warrant credit. He ordered units to be staged without establishing a staging area. Step 3 of Incident Management Operations of a Hazmat Incident, evaluating hazards and risks, indicates that air monitoring and detection are critical, and the appellant did not take this action. The appellant missed three mandatory responses, as well as the additional response, and his score of 1 for this component is correct.

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 ON
THE 29th DAY OF JANUARY, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Frank Thompson III
Michael Johnson
Records Center