



STATE OF NEW JERSEY

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

In the Matter of Samuel Porph,
Fire Officer 1 (PM2389C), Jersey City

CSC Docket No. 2022-2057

Examination Appeal

ISSUED: MAY 23, 2022 (RE)

Samuel Porph appeals the administration of the oral portion of the examination for Fire Officer 1 (PM2389C), Jersey City.

The oral portion of this examination was administered to the appellant on March 5, 2022. At the test center, the appellant appealed the testing conditions. Specifically, he stated, "I was distracted on multiple occasions by my proctor. She entered the room on multiple times distracting me causing me to lose my place. She opened and prompted me 2 minutes and I still had over 4 minutes remaining for my response." The appellant added that the proctor fumbled with the stopwatch and looked through her belongings that were in the room, thereby distracting him. He asks for a "fair opportunity to present the material," presumably, a retest.

CONCLUSION

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). 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 first 15-minute preparation period was not recorded. The 10 minute response to the evolving scenario, the five-minute preparation period for the arriving scenario, and the 10 minute response to the arriving scenario were video recorded.

A review of the appellant's video recording indicates that the appellant made a presentation of both portions of the examination to the camera as instructed. For the evolving scenario, the appellant responded for the full 10 minutes. The appellant paused on occasion during this presentation, but no reason for it could be seen or heard. The appellant received his 2-minute warning on time, which he acknowledged with a nod of his head, and he continued to his conclusion speaking more quickly than he had been speaking.

The appellant received his preparation time of five minutes where he is seen to be taking notes in his test booklet. Three minutes into the preparation period, a door can be heard to close, but the appellant does not look up or discontinue his note-taking. Due to Covid-19 protocols, monitors instructed candidates to remove their masks and then the monitor left the room. The monitor was to provide a two-minute warning by knocking and opening the door to say the warning, and then closing it. While the two-minute warning is a courtesy, the candidates were required to budget their time to provide their presentation within the 10 minute time limit. The monitor started the time and left the room, and the appellant began his presentation by responding to the second half of the question. After giving a description of the scene, the appellant paused while looking down at his notes, and the door could not be heard to be opening. Two and a half minutes into his presentation, a door can be heard to open. After ten seconds, the appellant looks over to his left, but continues speaking. Some shuffling can be heard, and the door is heard to close approximately 20 seconds after it opened. The appellant glanced to his left, but continued speaking without losing his place. The room monitor appears to have entered the room again at the four and half minute mark, shuffling his heard and the door shuts within 15 seconds. The appellant glances to his left, but does not stop speaking and continues with his presentation. He did not switch topics and his topics were coherent.

At the six-minute mark, the door opens and a voice can be heard but it is inaudible. The appellant shakes his head, and repeats his sentence, but continues speaking. It is unknown if the appellant was given a warning at the 8-minute mark, but the appellant kept speaking and concluded his presentation after 9.5 minutes. He then paused, looking down, and at the 10-minute mark, he began speaking for another 20 seconds and then said, that concluded his response. He stood up and the monitor can be heard to say, "Okay, you're done."

The appellant was instructed to direct his presentation to the camera, and that the monitor would not be involved in the scoring of his presentation. The appellant followed these instructions, and appropriately gave his presentation to the camera. During the occasions when the monitor opened the door, the appellant continued his presentation to the camera. The appellant did not appear distracted, as he did not leave his topics or pause his presentation during these instances. The appellant and the monitor did not speak except at the 6-minute mark when a low voice is heard, and the appellant shakes his head no. The appellant continued responding to the situation until 20 seconds after the 10-minute mark, so the appellant was given his full allotment of time, and had an additional 20 seconds to account for the interruptions. The monitor entered the room several times during the appellant's presentation. However, she does not speak to him or interact with him. She also gave the 2-minute warning too early, however, the appellant was tracking his time and responded accordingly. The monitor also provided extra time to compensate for her interruptions. The appellant could have stopped the monitor at any point and asked for the Center Supervisor to intervene. The appellant twice indicated to the camera that he understood the process, and his actions were demonstrated a full understanding of the process. In sum, this situation is not so egregious as to warrant a retest.

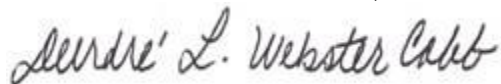
The appellant has not met his burden of proof in this matter.

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 18TH DAY OF MAY, 2022



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