

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate 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: 1, 5, 3, and 5. He received the scores of 4, 4, 5, and 4 for the oral communication components.

The appellant challenges his score for the technical components of the Incident Command – Non-fire Incident and Administration scenarios. As a result, the appellant's test material, audiotape, and a listing of PCAs for the scenario were reviewed.

The Incident Command – Non-Fire Incident scenario pertained to a report of a freight train derailment near the train station in the middle of town. It is 9:00 PM on a winter evening, 20°F, with wind blowing from the east at 15 mph. Upon arrival, the Deputy Fire Chief finds that the derailment is limited to one car, which did not overturn. There were no serious injuries and no fire, but a gasoline tank car has a sizable leak and gasoline is flowing onto the rail bed, and onto Main Street below, and possibly into the shops below the tracks. The candidate has performed a 360° reconnaissance, established command and a command post, and given dispatch an initial report including requesting additional alarms. Instructions to candidates were to base their responses on the text *Hazardous Materials: Managing the Incident*, and their experience. Question 1 asked for specific concerns and tactical objectives at the incident. Question 2 asked for specific actions regarding the leak/spill that should be taken at this hazardous materials incident.

For this incident, the assessor noted that the appellant failed to establish a water supply and to apply AFFF foam to suppress vapors wherever feasible, both mandatory responses to question 2. They also indicated that he missed the opportunities to state that there is potential for very serious fire and to establish a staging area or assign a staging manager, which were additional responses to question 1. On appeal, the appellant argues that he identified the type of construction and evacuated stores, established controlled zones, called for additional alarms, discussed flash points of the fuels and the possibility of potential extension to nearby exposures, and ordered engine companies to deploy 2½ inch hand lines for volume and reach. He states that said he took these actions for public protection, leakage of possible flammable materials, possible fire spread or extension, and possible BLEVE (Boiling Liquid Expanding Vapor Explosion) conditions.

In this scenario, certain responses to the situation presented are mandatory. That is, 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: 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 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 from 3 to 5.

The appellant received a score of 1 for this component which reflects a much less than acceptable response as he did not address two mandatory responses. For question 2, establishing a water supply and applying AFFF foam to suppress vapors were mandatory responses. The scene remains very dangerous if the candidate does not take these actions, and a review of the appellant's audiotape indicates that he missed these responses. The appellant responded to question 1 in 45 seconds before moving on to question 2. Although he had indicated above that he was concerned about fire spread in the train, he did not provide any further detail which would indicate that he knew there was potential for very serious fire. In the instructions listed after the questions, candidates were told that in responding to the questions to be as specific as possible. They were told to not assume or take for granted that general actions would contribute to their score. The monitor read these instructions immediately after reading the questions. In response to question 2, the appellant took the actions that he stated in his appeal. Nevertheless, question 2 asked for specific actions, while question 1 asked for specific concerns and tactical objectives. The appellant did not state that he was concerned about the potential for a very serious fire, and he cannot receive credit for this response based on implications of his actions. Rather, when he discussed diking and evacuation he was concerned about a plume of chemical that was leaking with the wind blowing at 20 miles per hour. After the two minute mark, the appellant said he knew diesel had a high flash point "and I'm concerned that there may be an extension to the runoff to the building below." The appellant did not state that he was concerned about fire extension, as he writes on appeal, but runoff extension.

He also did not establish a staging area or assign a staging manager. He requested fourth and fifth alarms and had them stage uphill and upwind. For this response, he received credit for having units approach from uphill and upwind, an action which he repeated later, but this is not the same as establishing a staging area or assigning a staging officer. The appellant stretched hose lines to the railroad cars but did not establish a water supply, and he did not apply AFFF foam to suppress vapors wherever feasible. The appellant missed two mandatory

responses and other actions, and his score of 1 for this component will not be changed.

The administrative scenario indicated that local organizations in the community have contacted the Fire Chief's office to express concern over the diversity of the upcoming pool of Firefighter candidates. Applications for the upcoming Firefighter entrance examination will issue next week. The Fire Chief placed the candidate in charge of a team to implement a recruiting program to aggressively recruit Firefighter applicants in the community, and he requested that this include traditional recruitment incentives and innovative recruitment strategies to broaden the Fire Department's outreach and diversify the pool of Firefighter candidates. Instructions to candidates were to base their response on the text *The Fire Chief's Handbook*, and their experience. Question 1 asked for traditional recruitment sources to be used for this project. Question 2 asked what innovative recruitment strategies should the candidate use to diversify the applicant pool and what community organizations should be included in the recruitment program.

The assessor noted that the appellant missed the opportunities to use employee referrals and to establish a mentoring program for women and minorities. The appellant states that he gave responses which adequately address these concerns, and he lists actions he took in his presentation, including establishing a cadet/mentoring training program. He then provides a definition for Fire Fighter Cadet, and submits a job offer for this title as announced in July 2014 for Corpus Christi, Texas.

In reply, a review of the appellant's audiotape and related examination materials indicates that instead of directly answering question 1, which asked for traditional recruitment sources, the appellant performed a needs analysis, solicited input from department members and the community, reviewed reports and statistics, and asked other agencies about their programs. He continued discussing developing a program, including forming a committee. This information was superfluous and did not directly respond to either question. He began to answer the question when discussing the committee actions. He continued with his focus on the committee, and inserted appropriate responses to the questions within his discussion of the committee along with many inappropriate responses such as how to off-set the expenditures of the program and implementing a pilot program. He did not mention employee referrals as a traditional recruitment source, nor did he establish a mentoring program for women and minorities as an innovative recruitment strategy.

The assessor asked the appellant to reread question 1 and the second part of question 2. The appellant did so and added additional appropriate responses. He added that he could utilize a "Cadet program," in a list of other responses. This is

not the same as establish a mentoring program for women and minorities. The appellant missed the actions noted by the assessor, and his score of 3 for this component is correct.

CONCLUSION

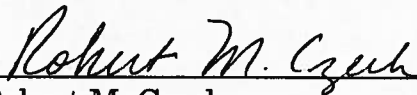
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 1st DAY OF OCTOBER, 2014



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