



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, 3, 2, and 1. He received the scores of 3, 4, 4, and 3 for the oral communication components.

The appellant challenges his score for all technical components. 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 verify that rail traffic has been halted, and that he failed to eliminate ignition sources, both mandatory responses to question 1. They also indicated that he missed the opportunities to establish/maintain an emergency escape route, which was an additional response to question 1, and to estimate foam requirements in response to question 2. On appeal, the appellant argues that he requests a foam tanker "to supplement the engine companies on scene."

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 1, verifying that rail traffic has been halted and eliminating ignition sources 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. In addition, as to foam, 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. The appellant called for a foam tanker, and he received credit for applying AFFF foam to suppress vapors, which was a mandatory response to question 2. The appellant stated, "I will ah identify also a staging area for any additional companies that I may request which includes a ah tanker, a foam tanker and (inaudible word) to supplement the ah water supply that may be needed to apply foam, ah a foam, to ah compress the ah vapors of the gasoline that spills." Later on, he states, "And conducting a ah, um, ordering my engine company to secure a primary and secondary water supplies to ah to handle the spill using a foam blanket to suppress all vapors. Ah, they will work in coordination with the ladder company reminding them to stay all in a defensive mode." At no time did the appellant mention that he would estimate foam requirements, which was an additional response. The appellant's response is not the same as that listed by the assessor, and credit cannot be given for information that is implied or assumed. For question 2, the appellant missed two mandatory responses as noted by the assessor, and his score of 1 for this component is correct.

In the supervision scenario, the candidate receives the previous shift commander's report at the start of his shift, which indicates that one of his Battalion Fire Chiefs called the office yesterday to request off, and was denied because calling in someone to replace him on the shift would cause a violation of overtime policy. Later that night, the Battalion Fire Chief called the communication center and informed them he would not be reporting for work today. This was in violation of the leave policy, which states that he needed to speak to a superior officer in order to request leave. Instructions to candidates were to base their responses on the text *The Fire Chief's Handbook*, and their experience. Question 1 asked for specific actions to take to investigate the incident with the Battalion Fire Chief. Question 2 provided additional information. It indicated that, during the investigation, the candidate discovers the same Battalion Fire Chief has received an oral reprimand for violating the same leave policy in the same manner, less than two years ago. This question asked for specific topics to be discussed in a meeting with the Battalion Fire Chief and actions that should be taken based on this new information.

The assessor indicated that the appellant missed the opportunities to get copies of audio files/log of the phone calls, and to get a written report from the Battalion Fire Chief, which were responses to question 1. On appeal, the appellant indicates that he addressed the issue of abuse of sick leave, followed proper protocol with re-training and punishment, and indicated he would follow up to check progress.

In reply, the assessor notes refer to missed opportunities in regard to question 1, actions to take to investigate the incident. The actions listed by the appellant on appeal are reactive, *i.e.*, are responses to question 2 which asked for actions to be taken and topics to be discussed with the Battalion Fire Chief. A review of the appellant's presentation indicates that he took very few actions to investigate the incident, and he missed the two indicated by the assessor. The appellant responded to question 1 in half a minute, stating that he would interview the "Battalion Fire Chief's Deputy," review the personnel file and attendance record of the Battalion Fire Chief, and review the leave policy. He then asked if he could continue in responding to question 2 and refer back to question 1. He then began responding to question 2 and he did not indicate that he was providing additional responses to question 1 at that time. He received credit in question 1 for notifying the chief and documenting all actions and findings. After responding to question 2, the appellant asked the assessor if he would like him to be more specific, and the assessor responded that it was up to him. The appellant then stated that for the first question, he would do the same thing, just review his past files, call him in for a meeting, and then he summarized other actions already given in response to question 2. The appellant's response was acceptable, but not more than acceptable, and his score of 3 properly reflects the responses given in his presentation.

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 following opportunities to: recruit at colleges and universities; advertise on city/Fire Department web site;

utilize social media (Facebook, Twitter, etc.) to get the word out; and contact veteran organizations. The appellant argues that these actions were not available to him when he was younger. He states that he requested media, flyers, posters, and newspapers, as well as visited churches, clubs, and schools.

In reply, candidates should be aware of current methods of recruitment, and not rely solely on what was available when they were being recruited. This is reflected in the fact that question 1 asked for traditional recruitment sources and question 2 asked for innovative recruitment strategies. In effect, the appellant is arguing on appeal that he should not have had to answer question 2. All candidates were required to answer the second question as well as the first, and the assessor notes are applicable and appropriate responses to the questions.

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 formed a committee and indicated how he would recruit members for the committee, the committee's goals and objectives, and the available budget, and he set up an action plan. This information was superfluous as it did not directly respond to either question. He began to answer the question when he said that the team would visit high schools, YMCA's, boy's clubs, lady's clubs, and have mailers, flyers, and posters, and use the media and newspaper. The appellant stated that the team would visit churches, high schools, and the organizations that contacted the Chief's office. He then began talking about finding information regarding the upcoming Firefighter's examination and manning a training center. The focus of the appellant's response was on a recruitment committee which he had formed rather than directly responding to either question.

The assessor asked the appellant to reread question 1, which he did, and he repeated sources already given in his response regarding the recruitment team. The appellant stated that he interpreted question 1 to mean how he had been recruited, and he stated there was no problem in recruiting diverse members to the Department. He stated that he had grown up in the city and there was no problem recruiting at least one or two gentlemen from each ethnic background. This response was completely inappropriate to the question and negated this scenario which the appellant was supposed to respond to, which was that he was to aggressively recruit Firefighter applicants with traditional recruitment initiatives and innovative recruitment strategies. The assessor asked the appellant to be more specific regarding using the media, and the appellant stated that he would do so to publicize fundraisers and have them indicate that the Fire Department was doing a good thing and helping out the community by addressing their concerns. Again, this response missed the mark as it did not provide any recruitment sources, either traditional or innovative.

After the 2 minute mark, the assessor asked the appellant to be more specific about his comment about schools, and the appellant said, "High schools, basically, because you're, you're looking for graduates that are going to be graduating ah fresh in their mind. They're going to graduate in the near future that can take the test in the next year, the upcoming year. If you go any younger it's, well, well that part of it, prior education, we do visit grammar schools, have barbecues and stuff like that, um, that would be part of that program down the road, but they need immediate response and numbers to come in. They would address the high schools, the, the talent pool would be more able to come right away to take the test. Um, that's the only reason why I addressed high schools initially. Um, long range plans yes. We've with the high school, grammar schools with the smokehouse and so forth, show them what it's all about, let them have fun and, and partake in the ah, the program." He then talked about the Junior Firefighter program. The appellant did not mention recruitment at colleges and universities, and he missed the other actions noted by the assessor. His score of 2 for this component is correct.

The Incident Command-Fire scenario concerned a report called in by a passing motorist of heavy smoke at the intersection of North Main Street and Martel Avenue. The fire building is 9 Main Street, an 80-year-old, triangular-shaped, two-story, ordinary constructed building. Originally built as a bank, it had been renovated many times and is currently occupied on the first floor by an art gallery/antique store, on the second floor by a residential apartment, and there is a workshop in the cellar where furniture is refinished and repaired. It is 3:15 AM on a January morning, 25°F, with the wind blowing from the south at 30 miles per hour. Upon arrival, the first engine reports fire visible on the first floor and in the cellar windows, and smoke coming from the closest two residential buildings on side C. No persons are observed on the street. Instructions to candidates are to answer the questions based on the texts *The Fire Officers Handbook of Tactics* and *The Fire Chief's Handbook*, and their experience. Question 1 asked for concerns at this incident. Question 2 asked for specific actions to take to address the incident. Question 3 added information. It stated that several minutes into the fire operations, a mayday is transmitted and there is a reported flashover and minor explosion in the cellar causing a partial collapse of the first floor. The partial collapse caused two Firefighters to fall into the cellar of the art gallery. A mayday transmission from one of the fire fighters in the cellar reports that one is injured and they cannot get out. This question asked for specific actions to take now, based on the new information.

The assessor noted that the appellant failed to assume command and establish a command post, to have a hose line into #9 between fire and the occupants, and have a backup hose line into #9. These were mandatory responses to question 2. The assessor also noted that the candidate missed the opportunity to request Hazmat due to the refinishing chemicals, an additional response to question 2. On appeal, the appellant stated that he ordered a 2½ inch attack line and

backup line into the fire building to attack the fire in the store and basement, and a 1¾ inch attack line into the second floor to protect rescue of the occupant. He also states that he had 1¾ attack lines into exposure buildings to address smoke.

In reply, the appellant received credit for establishing a water supply, for assigning companies into exposure buildings, and for rescuing all occupants, in response to question 2. In his presentation, the appellant stated, "My actions would be ah, for the first engine ah, on scene to ah secure primary water supply, stretch a 2½ inch ah 2½ inch attack line for reach and penetration and ah attack the fire in the storefront without going, using the reach of the stream to stay in a safe location at the front door." This response is in direct opposition to the mandatory action of stretching the hose line between the fire and the occupants in the fire building. The appellant started to provide orders to the second engine, but stopped in midsentence to designate officers and call for outside resources. After this, the appellant stated, "With the ah 2½ inch attacking the main body of fire we're going to stretch a ah inch and ¾ to the rear basement Bilco door. Um, if if there's not a backup line needed for the storefront fire, we're gonna stretch a inch and ¾ to the rears door, um let me change that sir, 2½ inch here. There's not time for a knockdown drag out fight with this. We're gonna ah, we're gonna use reach and penetration of the 2½ to also attack the fire that's in the basement." Clearly, the appellant did not stretch a hoseline between the fire and the occupants in the fire building and then have a backup hoseline there.

After explaining that he would have hoselines in the exposures with backup lines as needed, the appellant stated that there would be backup lines for the truck companies conducting a primary search of the storefront, the basement, and the residential area about the storefront. This part of his presentation is unrealistic given that there are only two fire hydrants at the scene near the building. In addition to his two initial 2½ inch lines, he now utilizes as few as five or possibly many more lines "as needed." After the appellant responded to question 3, the assessor said, "In question two, you stated that you were going to pull lines and then you're going to pull 2½ inch lines and you are going to go to the entrance door with a line at the door. What specific actions are you going to take to address this incident?" The appellant responded that he would use the line to locate, confine and extinguish the fire from the storefront. The assessor then asked the appellant to be more specific regarding using engine lines for attack interior and exterior attack. The appellant responded that manpower from his two initial engines would be used to attack the fire in the storefront and the basement, and work in coordination with the ladder company to rescue any occupants in the second floor, but that the line would be taken down to the basement and operated there. Clearly, the appellant did not put a hoseline between the fire and the occupants and have a backup hoseline to the initial hoseline. He also did not assume command or establish a command post. The appellant missed three mandatory responses, as well as the initial response, and his score of 1 for this component is correct.



CONCLUSION

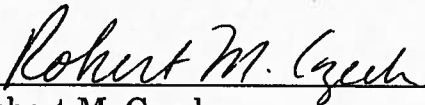
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 1<sup>st</sup> DAY OF OCTOBER, 2014

  
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