



B-47

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of  
Robert Scott, Fire Captain  
(PM0054R), Camden

CSC Docket No. 2014-3073

ISSUED: SEP 18 2014

(RE)

Robert Scott appeals his score for the oral portion of the promotional examination for Fire Captain (PM0054R), Camden. It is noted that the appellant passed the subject examination with a final score of 82.940 and his name appears as the 51<sup>st</sup> ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

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 fire fighters and the ability to plan strategies and tactics based upon a building's

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. 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 candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, fire fighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process. Each performance was evaluated by two SMEs who currently are a first level supervisor or higher. If the SME scores differed by 1 point, the score was averaged. If they differed by more than 1 point, the SMEs were required to confer with each other until they agreed on a score. Scores were then converted to standardized scores.

Candidates were rated on a five-point scale, with 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. For each of the scenes, and for oral communication, the requirements for each score were defined. For the evolving scenario, the appellant scored a 3 for the technical component, a 3 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 4 for the supervision component, and a 5 for the oral communication component.

The appellant challenges his scores for the technical components of both scenarios. As a result, the appellant's test material, audiotape, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involves a fire in a two-story, wood-frame taxpayer built in the early 1950s. The first floor is a convenience store and the second floor is an occupied apartment. It is a 5:30 PM on a Friday in July and the temperature is 76° Fahrenheit with overcast skies and a wind blowing from west to east at 10 miles per hour. Upon arrival, it is noticed that smoke is coming from the convenience store on side A. The owner of the convenience store says that a fire started in the rear of the store and quickly spread, filling the store with smoke. He also says that a stock boy

was in the rear of the store and is unaccounted for, and he is unsure if anyone is in the upstairs apartment. The candidate is the commanding officer of the first arriving ladder company and he establishes command. There were two technical questions. Question 1 asked for initial actions and specific orders at the incident upon arrival. Question 2 indicates that one of the candidate's firefighters is entangled when drop-ceiling tiles and their supports fail. He calls for a mayday and activates his PASS device. The question asked what actions should now be taken, based on this new information. The supervision question indicates that, when arriving on the scene with the engine company, the engine driver positions his apparatus in front of the building. The candidate's ladder driver then gets into an argument with the engine driver, saying the ladder apparatus should always be allowed to position in front of the involved building. This question asks what should be done at the scene and after returning to the firehouse to address the situation. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

In regard to the technical component, the assessors noted that the appellant failed to locate and remove the trapped firefighter, which was a mandatory response, and he missed the opportunity to protect the trapped firefighter with a hose line. They used the flex rule to assign a score of 3. On appeal, the appellant states that on scene he deployed the Rapid Intervention Team (RIT) to remove the downed firefighter.

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 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.

A review of the appellant's audiotape and related examination materials indicates that he received credit for deploying the RIT, which was a separate response from that listed by the assessors. Credit cannot be given for information that is implied or assumed, and this was indicated in the instructions to candidates. The appellant did not say that he would locate and remove the trapped firefighter.

The appellant missed the mandatory action, as well as the additional action, noted by the assessor and his score for this component will not be changed.

The arriving scenario involves a report of fire coming from an ordinary construction, two-story row home built in the early 1900s. It is 7:30 AM on a Monday in May, 68°F, with cloudy skies and a wind blowing from the west to the east at 5 mph. The candidate is the officer of the first arriving engine company and the first officer on scene. Upon arrival, the candidate notices smoke coming from the first floor door, as well as the first and second floor windows on side A. Dispatch reports that the caller is an occupant in a second floor bedroom and the caller said the fire started on the gas stove which he left unattended while getting ready for work. He and his wife are unable to get out of the house due to smoke and fire blocking their access to the front door. The technical question asked for initial actions and specific orders at this incident upon arrival. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume would take for granted that general actions will contribute to a score.

In regard to the technical component of the arriving scenario, the assessors noted that the appellant failed to rescue the victims in the second floor bedroom, which was a mandatory response, and he missed the opportunity to check the cockloft. They used the flex rule to assign a score of 3. On appeal, the appellant states that on scene he checked the cockloft and had the ladder crew rescue the victim when doing the primary search.

A review of the appellant's audiotape and related examination materials indicates that he received credit for performing a primary search. Nevertheless, credit cannot be given for information that is implied or assumed, and this was indicated in the instructions to candidates. The appellant did not say that he would rescue the victims in the second floor bedroom, and performing a primary search only implies that the victims were rescued. Candidates are required to state what they mean and cannot receive credit for assumptive actions. The appellant did not consider rescuing the victims in the second floor bedroom in his response, nor did he mention them at all. Instead, the appellant's response to question 1 was general in nature and did not address this detail of the scenario. In addition, the appellant did not check the cockloft. Instead, near the beginning of the presentation, the appellant was giving his size-up when he said, "I have smoke showing on the, on the Division 1, Alpha side of the building. I will let all companies arriving know my concerns such as the common cocklofts and the void space. I'll then initiate my Incident Management System." Although the appellant indicated that a common cockloft was a concern, he did not order that it be checked. The appellant missed

the mandatory action, as well as the additional action, noted by the assessor and his score for this component will not be changed.

### CONCLUSION

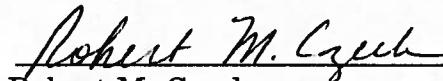
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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 17<sup>th</sup> DAY OF SEPTEMBER, 2014

  
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