

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 5 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 5 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component.

The appellant challenges his score for the supervision component of the evolving scenario. 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. 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 supervision component, the assessors noted that the appellant missed the opportunities to inform the captain of the engine that the front of the building should be reserved for the truck company, and to review the department Standard Operating Procedures (SOPs) and policy of apparatus placement. On appeal, the appellant states that on scene he stopped them from arguing and ordered them to act professionally. He states that he notified the driver that, if the apparatus could be moved, it should be moved. He then provided a list of actions he took back at quarters, including "go over my actions/solutions: SOP & SOG."

A review of the appellant's audiotape and related examination materials indicates that he received credit for separating the drivers. In his response to this question, the appellant stated, "Ah, I would stop the guy and let him know that this cannot happen on the fire scene. Once I got back to the station, I would ensure that I would pull his files, put him at ease. I would also ensure that I do a meeting with him, ensure, I would then let him know that he, he's ah, my, my actions, I would tell him that this is unacceptable. I would then monitor the situation. I would then let him know that he could do an appeal if he needs to. I would then document. I would do a follow-up ensuring that this is not ongoing. I would also let him know it's an open-door policy. I would then let him know it's confidential and I would report my findings to the Chief. And I just want to go back on...." At this point, time was called.

The appellant's response was acceptable, but not more than acceptable. He missed the actions noted by the assessor. In this regard, the appellant spoke in generalities without addressing the specifics of the incident. He did not inform the driver of the engine that the front of the building should be reserved for the truck company, or review the SOPs and policy of apparatus placement. He told the driver at the scene that his actions were unacceptable. Then he told him this again in a meeting, said he would monitor him, and told him he could appeal these actions.

This does not make sense, as the driver should not be able to appeal a direct order or the monitoring of his supervisor. He said he would report findings to the Chief, but there were no findings discovered by the appellant's actions, and he did not perform an investigation. He did not order the drivers to act professionally, have the apparatus moved at the scene, or mention SOPs in his response. The appellant's score of 3 for this component will not be changed.

CONCLUSION

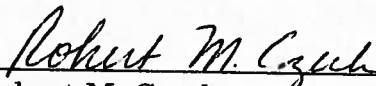
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 17th DAY OF SEPTEMBER, 2014



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