



B-74

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Michael Smith, Fire Lieutenant  
(PM5185N), Linden

Examination Appeal

CSC Docket No. 2013-2005

ISSUED: MAR 10 2015

(RE)

Michael Smith appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5185N), Linden. It is noted that the appellant passed the subject examination with a final average of 86.910 and ranked tenth on the resultant eligible 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. For the evolving fireground exercise, the technical component was worth 22.49%, the supervision component was worth 7.53%, and the oral communication component was worth 4.28%. For the arriving fireground exercise, the technical component was worth 19.23%, the supervision component was worth 7.53%, and the oral communication component was worth 7.59%.

The oral portion of the Fire Lieutenant examination consisted of two scenarios: a fire scene simulation with questions designed to measure the ability to conduct search and rescue operations, 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 ability to conduct search and rescue operations, supervision of fire fighters 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 candidates' responses were scored on technical knowledge, knowledge of supervision, 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 technical score of 3, "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 for a given component differed by 1 point, the scores were 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, both for the technical and supervision components, and for oral communication, the requirements for each score were defined.

The appellant challenges his score of 2.5 for the technical component, his score of 2 for the supervising component, and his score of 4 for the oral communication component, of the evolving scenario; and his score of 3 for the supervising component of the arriving scenario. As a result, the appellant's test material, audiotape, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario pertained to a report of a fire at an electronic supply warehouse. It is a Tuesday morning (7:45 a.m.) in December with a temperature of 40° Fahrenheit, overcast skies, and no wind. The candidate is the commanding officer of the first arriving ladder company and first officer on scene. Two additional engine companies arrive with him. Upon arrival, smoke and fire is noticed coming from the windows on Side A. An employee approaches and says he noticed smoke and fire in the office area of the building and called 911. He says the office and storage area quickly filled with fire and smoke. He is unsure how many people may be in the building since they are switching from the 3<sup>rd</sup> to the 1<sup>st</sup> shift. The chief officer is delayed responding to this incident. Question 1 asked for actions to be taken upon arrival. Question 2 added that the intense fire rapidly spreads to the

roof, and several steel bar joists begin to fail. It asked for actions that should now be taken. Question 3, the supervision question, indicated that, during this incident, an interior firefighter panics during his assigned task and unnecessarily activates PASS device. The question asked what immediate and follow up actions should be taken.

For the technical component, the assessors noted that the appellant failed to sound evacuation tones/alerts (for question 2), which was a mandatory response. They also noted that he missed the opportunity to clear the radio channel for emergency traffic (for question 2) and to stretch a backup 2½ inch hose line (for question 1). On appeal, the appellant states that he announced an evacuation.

In the instant matter, the SMEs determined that it was mandatory for candidates to sound evacuation tones/alerts in response to the new information presented in question 2. Instructions to candidates printed after the scenario but prior to the questions included, "In responding to the questions, be as specific as possible in describing your actions. Do not assume or take for granted that general actions will contribute to your score." These instructions were read to all candidates by the monitor as well. As such, credit was not given for information that was implied or assumed. In his presentation, the appellant stated, "As far as the roof, we will ... (reads question to self), with the roof, we will try to put, we will have 2½ inch lines inside the building, we will try to cool the roof off from inside until we get a report of fire reaching the truss roof. At this point, we will evacuate ah, the roof. We will eva... we will go into a possible collapse zone. I will call for a collapse zone. I will ah, create ah let all units know that we have a collapse a zone and dispatch. I will also um, relocate the command post, engines, apparatus, manpower out of the collapse zone." This response is to evacuate the roof. In order to be acceptable, the SMEs determined that the candidate should sound evacuation tones or alerts, which would evacuate the entire building. It is unknown if the appellant did not mention sounding evacuation tones or alerts because he knew he was doing it or because he just did not consider this action. He cannot receive credit for knowledge that he does not provide during his presentation. The appellant missed the other actions as noted, and his score of 2.5 will not be changed.

For the supervising component, the assessors noted that the appellant failed to determine the location of the firefighter, to have a Rapid Intervention Crew (RIC) evacuate the firefighter, and to have the firefighter report to EMS. On appeal, the appellant contends that the word "unnecessarily" in the information regarding the supervisory issue implies that the candidate is aware of the issue and does not need to "jeopardize" the RIT crew and operations.

In reply, the scenario indicated that the candidate is the commanding officer of the first arriving ladder company and first officer on scene, and that the chief officer

is delayed responding to this incident. As such, the candidate was the Incident Commander (IC). The SMEs determined that the IC at this scene should have a Rapid Intervention Crew (RIC) evacuate the firefighter. The appellant did not begin to answer this question until after the two minute warning, and then provided a minimum of information. His response did not include actions he would take immediately at the fire scene, as asked by the question, except to say that he would notify the IC that his firefighter activated his PASS device accidentally and there is no cause for alarm. Thus, without passing the incident to a higher ranking officer, or indicating that he was in the building with a crew, the appellant spoke as though he were with the panicked firefighter, reporting the incident to command, and not at the command post. He did not behave in the manner of an IC, determining the location of the firefighter, having a Rapid Intervention Crew (RIC) evacuate the firefighter and having the firefighter report to EMS, which he had called to the scene in response to question 1. The SMEs determined that in this situation these actions were appropriate, and the appellant's arguments that these actions inappropriately jeopardized the RIC and operations are specious and unpersuasive, particularly when he reacts on scene as though he were not the IC. The appellant's response to question 3 lacked depth and detail and was not appropriate on the scene. His score of 2 for this component is correct.

As to the oral communication component of the evolving scenario, the assessor indicated that the appellant demonstrated a weakness in organization, as evidenced by failing to provide a summary/conclusion. On appeal, the appellant states that he should not have a score of 4 for a minor weakness.

In the scoring of oral communication, a score of 4 indicates that one minor weakness detracts from the communication, and as such, there is no error for a minor weakness resulting in a score of 4. One of the factors in oral communication is organization, defined as presenting ideas in a logical fashion, stating a topic, and providing supporting arguments as well as a conclusion or summary. A review of the appellant's performance indicates that the appellant's performance did not lack organization. The appellant presented his ideas in a logical fashion. His response to question 3 was minimally provided, but this did not detract from the performance. The appellant's score for this component should be changed from 4 to 5. As a result of this change, the appellant's final score is increased to 87.180 from 86.910. Nevertheless, it is noted that the ninth ranked candidate scored 87.470 and this change does not affect the appellant's rank on the eligible list.

The arriving scenario on involved a report of a fire and smoke at a one story wood-frame house built in the 1980's. It is a Thursday afternoon (4:00 p.m.) in November with a temperature of 55° Fahrenheit, partly cloudy skies, and a wind blowing from the west to the east at 5 MPH. The candidate is the commanding officer of the first arriving engine company. A ladder company and second engine

company will arrive shortly, and the chief officer is delayed responding to this incident. Upon arrival, the candidate notices smoke coming from the rear of the house near the Side B/C corner. A neighbor approaches and says that he noticed the smoke and called 911, and that there may be two teenagers alone in the house. The technical question asked for a description of the initial report to dispatch and initial actions. The supervising question indicated that a newly assigned firefighter does not correctly don his PPE at this incident. It asked what actions should be taken at the scene and after returning from the incident.

For the supervising component, the assessors noted that the appellant failed to review the firefighters' training records, and to order a senior firefighter to assist new fire fighter in donning his PPE. On appeal, the appellant states that he said "we" would help him with his PPE.

In reply, the appellant stated, "Ah, seeing he's having a problem, right away we will assist him and make sure his everything is on properly and we will continue our assignment." This response is not appropriate for an IC of the scene. It is clear that the appellant is not acting in the capacity of IC with this action, and this is not the same as ordering a senior firefighter to assist the new firefighter in donning his PPE. The appellant's actions at the scene and at the firehouse were acceptable, but he missed the actions and by the assessors and other actions as well. His response was not more than acceptable and a score of 3 for this component is correct and will not be changed.

## CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that, except for the oral communication component of the evolving scenario, 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 the appellant's score for the oral communication component of the evolving scenario be changed from 4 to 5, and the remainder of 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 4<sup>th</sup> DAY OF MARCH, 2015

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