



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of Juan Flores,
Fire Captain (PM1100S),
Atlantic City

CSC Docket No. 2015-2532

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ISSUED: ~~MAY~~ 08 2015

(RE)

Juan Flores appeals the administration of the oral portion of the examination for Fire Captain (PM1100S), Atlantic City.

The oral portion of the first level fire supervisor examination was administered to the appellant on February 28, 2015. 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). For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond to three questions. For the arriving scenario, a five minute preparation period was given and candidates had 10 minutes to respond to two questions.

At the test center, the appellant appealed the testing conditions. Specifically, he stated that he was not given the opportunity to review the evolving scenario description during preparation. He stated that he was instructed not to flip over any pages, but then was told to flip over the diagrams and note paper, but not the scenario description. He argued that, as a result, he saw the scenario for the first time when he had to present his responses. He contended that he was presented

wrong information and was stressed when responding to both scenarios. He requested to be allowed to take a retest.

CONCLUSION

The Civil Service Commission makes every effort to insure that test administration is as uniform as possible for all candidates. As such, monitors read from a script when giving instructions and do not deviate from this script. In the preparation room, candidates were told, "You have 15 minutes to prepare for the first scenario. Following this preparation, you will be escorted to an individual testing room. In the testing room, you will give your response to the first scenario. You will have a total of 10 minutes to respond to all the questions in the scenario," and "You may write notes on any of the materials. All of the materials will be put into an envelope, which I will pass out later, and it will follow you to your individual testing room. During your exam, you may refer to the narratives, diagrams, and any notes you have made in the prep room." The monitor ensured that the scenarios and diagrams were face down and asked candidates not to turn over the test materials. She or he then asked to make sure each candidate had two sets of paper, in addition to their note taking paper, and they had removed all other papers. The monitor then said they had 15 minutes to prepare for the Fireground Evolving Scenario Exercise and must plan their time accordingly. After asking if there were any questions, the monitor said, "You may turn your papers over and begin." The monitors did not tell the candidates to turn over specific papers, such as notepaper and diagrams. After the 15 minute preparation period had elapsed, the monitor asked candidates to place all materials in the envelope, and she or he collected them and handed the envelopes to appropriate escorts.

In the presentation room, the monitor removed the papers from the envelope and handed them to the appellant. The monitor read the questions to the appellant and began the timer. The appellant did not start speaking, but began reading. Thirty seconds into his presentation, the monitor prompted the appellant with, "You need to begin responding." The appellant told the monitor that he had not been given a chance to read the question. The monitor responded, "You already prepared for 15 minutes," to which the appellant said, "They never gave me the...." Without finishing the sentence, he continued reading for another 30 seconds, then began his presentation. The evolving scenario concluded and the monitor collected the papers. Then, the monitor began the arriving scenario instructions. She instructed him to put his candidate ID number at the top of each, the notepaper, the diagrams and the scenario, and the appellant did so. The appellant stated to her that he did not see the scenario sheet for the evolving scenario, and the monitor commented that it was in the packet.

A review of these circumstances indicates that the appellant did not review the scenario sheet in the preparation room although he was given one. The

instructions were given to the whole room and other candidates received the same instructions and reviewed the scenario sheet with the diagrams. The record does not support the appellant's version of events, that he was not told to flip the scenario sheet over in the preparation room. While it is unfortunate that the appellant did not read the scenario during preparation, it is not due to any action or inaction on the part of Commission staff. The examination was administered to the appellant in the same manner as it was administered to all other candidates, and the situation does not warrant a retest.

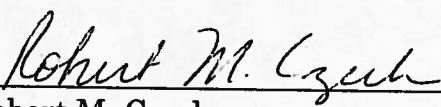
A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met his burden of proof in this matter.

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 ON
THE 6th DAY OF MAY, 2015



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