



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Fabio Cologna,
Fire Captain (PM1039V),
Hoboken

Examination Appeal

CSC Docket No. 2019-2488

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ISSUED: April 22, 2019 (RE)

Fabio Cologna appeals his score for the oral portion of the promotional examination for Fire Captain (PM1039V), Hoboken. It is noted that the appellant passed the subject examination with a final score of 85.570 and his name appears as the eighth 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 firefighters 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, firefighting 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.

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 2 for the technical component, a 5 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 5 for the supervision component, and a 4 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, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved a report of fire on the second floor of five-story hotel of ordinary construction built in 1910. The Incident Commander (IC) orders the candidate to perform an immediate primary search and horizontal ventilation of the building. Question 1 asked for the details of the orders to give to your crew to carry out the assignment.

For the technical component, the assessor indicated that the appellant failed to begin his primary search on the second floor. It was also noted that the appellant missed the opportunity to close and mark doors (Question 1), and to complete the primary search (Question 2). On appeal, the appellant argues that he acknowledged his orders and followed Standard Operating Procedures and

Guidelines (SOPs and SOGs). He also argues that he took his members to rehab after completing the assignment.

At the end of every scenario and prior to the questions, instructions state, “In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score.” The scenario indicated that there is a huge crowd of people milling around on side A, and that the building contains conference rooms, a lobby area and eating and drinking establishments, banquet halls, kitchen, and guest rooms. Candidates are required to articulate their knowledge in an examination setting and not rely on assumptions. In his appeal, the appellant states that he followed SOPs and SOGs, and believes that this is sufficient to receive credit for starting his primary search on the second floor. It is not. The appellant did not state that he would begin the primary search on the second floor, the floor with the greatest fire present. He started his presentation by taking actions that are duties of the Incident Commander, and were not responsive to question 1. He gave these superfluous actions for two minutes and twenty seconds before answering the question. Telling the crew to work in teams of two, do no freelancing, and abide by all department SOPs and SOGs, is not a response that can receive credit for beginning a primary search on the second floor. The appellant missed this mandatory response.

As to the additional responses, the appellant did not close or mark doors in question 1. In response to question 2, he removed the pregnant victim from the building, and then stated, “We’re going to turn her over to EMS or ALS for triage, treatment and transport to a, to a hospital if needed. Once my members are outside, we’re going to make sure that everybody is evaluated physically. They’re going to be rotated, rehydrated if necessary, evaluated, and placed back in service or awaiting orders from the Incident Commander.” At this point, he responded to question 3. He did not return to complete his primary search as noted by the assessor, and even if he had stated the phrase “after completion of the assignment,” which he did not, that would not be sufficient to receive credit for the action of returning to complete the primary search. The appellant missed the actions noted by the assessor, including a mandatory response, and his score of 2 for this component is correct.

The arriving scenario involved a train derailment. For the technical component, the assessor assigned a score of 3 using the “flex rule,” and noted that the candidate failed to establish command uphill and upwind, a mandatory response to question 2. He also noted that the appellant missed the opportunity to call for a second alarm, to ensure that engines are turned off, and to consult or coordinate with roadway personnel to establish a passenger count. These were PCAs for question 2, which asked for specific actions to take after giving the initial report. On appeal, the appellant states that he requested wind and weather updates from dispatch and

tactically placed his apparatus, requested the equivalent of multiple-alarms-worth of personnel and non-fire resources, and prioritized tasks in a tactical worksheet and placed the command board in service. He states that he called a New Jersey Transit representative to the scene, assigned a victim tracking coordinator, had chief officers and accountability officers in each car to establish a location and count of victims. He also indicates that he had multiple safety officers and a dedicated hazmat safety officer.

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 assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, a score higher than a 3 cannot be provided in those cases.

In reply, a review of the file indicates that, for the technical component, the appellant missed the actions noted by the assessor, including a mandatory response. In this presentation, the candidate is the Incident Commander (IC) as he is the highest-ranking officer on scene, the wind is blowing east to west at 10 mph, and there is a significant hydraulic leak on the green train which has been contained. Both trains are commuter trains with electronic locomotives. As this must be considered a Hazmat incident, the SMEs determined that it was mandatory that a command post should be established uphill and upwind because if the fluid catches fire the post will be in the smoke and toxic fumes, or if it is not contained it may run to the post. The appellant did not take this action. The appellant got wind and weather updates from dispatch before announcing his arrival. He established command and set up a command post, and he received credit for this response in question 1, which asked candidates to provide an initial report using proper radio protocols. However, this response lacks the detail to provide credit in question 2, which asks for specific actions, as it does not account for the wind or terrain. In fact, he states that he would locate it so that he could have a multi-sided view of the main part of the incident. This is not specific as uphill and upwind.

After establishing command, the appellant stated, "I will refer to my tactical war sheet to prioritize tasks and implement the command board for tracking of multiple units and their locations." This is not the same as calling for a second alarm and does not even involve radio communication to dispatch so they can send one. The appellant explains the various issues of this scene, and then contacts dispatch with his size-up, asks for additional resources and assigns officers. However, he did not ask for additional alarms, and credit cannot be given for information that is implied or assumed. The appellant called New Jersey Transit and New Jersey Department of Transportation representatives to the scene, but did not say the reason why. Any

assigned officers, such as victim coordinator, safety or accountability, could assist with known victims, but a passenger count would confirm if all possible victims had been located. The appellant called for utilities, but did not state why, and he called for a hazmat team and a hazmat safety officer. However, to receive credit for ensuring that engines were turned off, the appellant needed to articulate that action. The appellant missed the actions as noted by the assessor, and his score of 3 for this component is correct.

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 ON
THE 17th DAY OF APRIL, 2019



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