



STATE OF NEW JERSEY

| | |
|--|--|
| In the Matter of Sean Slavin, Fire Captain (PM1044V), Millburn CSC Docket No. 2019-2403 | : FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION : Examination Appeal : : : |
|--|--|

ISSUED: April 22, 2019 (RE)

Sean Slavin appeals his score for the oral portion of the promotional examination for Fire Captain (PM1044V), Millburn. It is noted that the appellant failed the subject examination.

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. 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 2 for the supervision component, and a 3 for the oral communication component. For the arriving scenario, the appellant scored a 2 for the technical component, a 3 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical component of the evolving scenario, and for the technical and supervision components of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved involves the handling of salvage and overhaul in the basement and garage of a single-family home after the fire was knocked down. For the technical component, the assessor assigned a score of 3, and noted that the candidate failed to account for the whole crew/conduct a PAR, which was a mandatory response to question 2. There was also noted that the appellant missed the opportunities to ensure proper lighting at the scene, an additional response to question 1, and to instruct the crew to leave their equipment and hoselines in place, an additional response to question 2. On appeal, the appellant states that he notified the Incident Commander (IC), backed his crew out to an area of refuge and had the IC make the determination of whether an evacuation was necessary. The appellant argues that conducting a PAR was not his responsibility, but that of the IC. Additionally, the appellant maintains that there was no emergency evacuation situation which would require the crew to leave their equipment and hose lines in place. He maintains that structural cracking noises coming from the joists above the crew in the basement would not require an immediate evacuation, but an

evacuation would be considered by the IC. The appellant maintains that the scoring was subjective.

Question 2 asked for action's much of the taken once the candidate, who is the supervisor of the crew, is informed that a crewmember hears structural cracking noises coming from the joists above while conducting overhaul operations in the basement. 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." In his presentation, the appellant stated, "Question number 2. Immediately notify the IC of the creaking sound and back my crew out to a safe area. Either into the garage or the outside of the structure, and await further instructions um, and inspection of the actual danger area from the cracking." This was the appellant's entire response to question 2, and it does not adequately address the situation. The appellant received credit for evacuating the crew from the basement, and notifying the IC, which were mandatory responses to question 2.

However, the appellant did not state that he would account for his crew or conduct a PAR. As a crew supervisor, it is imperative that the candidate accounts for the whole crew, and credit was given if he conducted a PAR as it accomplished the same objective. The appellant is incorrect in his belief that a supervisor should not account for his crew who have left a dangerous situation on his orders. While the appellant did not use the word "evacuation" in his response, he clearly immediately backed his crew out to a safe area. In fact, the appellant did evacuate the crew from the basement but argues that he should not have made that call. It is noted that the assessor's note was to evacuate the crew from the basement, not call for an evacuation of the fire structure. The appellant is arguing that he should not receive credit for evacuating the crew from the basement, as that should not be a mandatory response. The SMEs disagree with the appellant's assessment of the situation, and determined that evacuating the crew from the basement was mandatory. If the supervisor of the crew in the basement did not evacuate the crew from the basement after someone heard cracking in the joists above their heads, he would be remiss in his duties, as not doing so places his crew in grave danger. Also, the SMEs determined that as the crew should evacuate from the basement, an additional acceptable response was to instruct the crew to leave their equipment and hoselines in place, as they should leave quickly. The appellant missed the actions noted by the assessor, including a mandatory response, and his score of 2 for the technical component is correct.

In the supervision question, the candidate sees a firefighter put a collectible baseball in the pocket of his bunker gear and confronts him. The firefighter produces the ball and says he was safeguarding it, and based on the relationship, the candidate believes him. This question asks for their actions to be taken

immediately is that the firehouse. The assessor indicated that the appellant missed the opportunities to offer union representation, to recommend appropriate disciplinary action for the firefighter, and to document any actions taken. On appeal, since the appellant argues that since the fire fighter immediately produce the ball, and he believed him, there was no need for negative disciplinary action for union representation as this was not a recurring problem. He states that he corrected the problem by finding a more suitable place to salvage the ball, mentioned retraining, and that disciplinary action is counter to the recommended course of action.

In reply, again, the appellant does not indicate that he took the actions noted by the assessor, but he disagrees with the scoring criteria. He believes that he understands the situation better than the SMEs. Nevertheless, the appellant's response was inadequate and warranted a score of 2. In his presentation, the appellant told the firefighter to put the ball someplace less suspicious than on his person, such as under a tarp or on the pool table or in a drawer. If completely necessary, he should bring it outside and give it to a police officer. The SMEs determined that he should return the baseball to the owners, and back at the firehouse, he should have taken the actions noted by the assessor. This was not a meeting that was merely for the purpose of providing instructions, training, or communicating needed corrections in work techniques. Regardless of the positive personal relationship, the candidate has a responsibility as a supervisor to address a situation wherein a member of his crew violates SOPs/SOGs (Standard Operating Procedures/Standard Operating Guidelines). Rather than ignoring this responsibility, the appellant could have given an oral reprimand, informed him of progressive discipline if the behavior continued, offered union representation and documented his actions. The appellant missed the actions noted by the assessor, and his arguments that these actions are not necessary from a supervisor are unconvincing. The appellant score of 2 is correct.

The arriving scenario involved a fire in building of a mixed occupancy of ordinary construction. Smoke is pouring out of second floor windows, and the owner of the accounting business is not sure if all the customers got out. An adult man is leaning out of an open window. For the technical component, the assessor indicated that the appellant failed to raise a ladder to side A, and to perform a primary search, which were mandatory responses to question 2. He also indicated that he missed the opportunity to establish a Rapid Intervention Crew (RIC), which was another response for question 2. On appeal, the appellant stated that laddering the building and establishing a RIC are redundant, since the RIC provides access to the structure including positioning ground ladders. Thus, he requests that one of these actions not be considered in scoring. He also states that he ordered ladder 6 to rescue the trapped occupant.

In reply, question 1 asked for an initial report to be given upon arrival at the incident, and candidates were instructed to use proper radio protocols. Question 2 asked for specific actions to be taken. Contrary to the appellants argument, it is not the RIC's responsibility to ladder the building. Rather, that duty is the basic duty of the ladder company. The candidate is the IC, and upon arrival, the IC sees an adult man leaning of the window on side A. The IC would be remiss in his duties if he did not order a ladder company to ladder the building on side A, and the appellant's arguments are not reflective of basic firefighting tactics. The appellant stated, "Ladder, Ladder 6 concentrate on rescue of the second-floor victim on the Alpha side. That would be my initial size up." As mentioned above, credit cannot be given for information that is implied are assumed. In this case, the appellant did not have Ladder 6 ladder side A, but told them to concentrate on the rescue of the second-floor victim on side A, and the appellant received credit for rescuing the victim. He cannot receive credit for laddering side A since he did not state that he would take this action. The appellant missed this action, as well as another mandatory response and other actions, and his score of 2 for this component is correct.

As to oral communication, the assessor for the evolving scenario noted that the appellant had a major weakness in brevity, and indicated that his response was so brief that it precludes him from adequately addressing the scenario. He received a score of 3. The assessor for the arriving scenario noted that the appellant had a minor weakness in brevity, and indicated that his response to the first two questions in his presentation were brief so that precluded him from adequately addressing the scenario. He received a score of 4. On appeal, the appellant argues that he should have received the same score for the same weakness. He also states that he only had 10 minutes and he was concise and exacted his word choice rather than giving generic answers. He believes that his responses were directing related to the narrative given in each scenario.

In reply, a weakness in brevity is defined as a response that is so brief that it precludes the candidate from adequately addressing the scenario. While the appellant had the same weakness in both scenarios, the first assessor found that it was a major weakness while the second of assessor found that it was a minor weakness. A score of 4 is given one minor weakness while a score of 3 is given for one major weakness. As such, there is no evidence of an error in scoring on this basis. A review of the appellant's presentation for the evolving scenario indicates that the appellant used two minutes, 45 seconds of the allotted 10 minutes. As indicated above, the appellant's response to question 2 was two sentences. The appellant's response to question 3 was very brief and did not adequately address the scenario. For the arriving scenario, the appellant's responses to questions 1 and 2

were brief, as well as intermixed. The appellant's scores for the oral communication component of both scenarios are 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



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

| | |
|------------------------------------|--|
| Inquiries and Correspondence | Christopher S. Myers Director Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit P. O. Box 312 Trenton, New Jersey 08625-0312 |
|------------------------------------|--|

c: Sean Slavin
Michael Johnson
Records Center