



**STATE OF NEW JERSEY**

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

In the Matter of Malcolm Alston,  
Fire Lieutenant (PM1090V),  
Plainfield

CSC Docket No. 2019-2357

Examination Appeal

**ISSUED:** April 22, 2019 (RE)

Malcolm Alston appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1090V), Plainfield. It is noted that the appellant passed the subject examination with a final average of 84.360 and ranks sixth on the resultant eligible list.

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 Lieutenant 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 4 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 4 for the supervision component, and a 5 for the oral communication component. The appellant challenges his score for the supervision component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The arriving scenario involved a report of a collision of a pickup truck and a tour bus. The supervision question indicated that the candidate saw a member of his crew talking to a bus passenger about a sports event during the incident instead of attending to the physically injured passenger sitting on the grass 5 feet away. This question asked for actions that should be taken now and after returning to the firehouse.

For the supervision component, the assessor noted that the appellant missed the opportunity to review any relevant SOPs and SOGs. On appeal, the appellant argues that he said he would devise a training program with the firefighter about department protocol while working on scene.

In reply, 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 SMEs expected that the candidate would review SOPs and SOGs after returning to the firehouse. The appellant received credit for providing firefighter training on first responder protocols, which is a different action. Credit is not assigned based on the mention of “buzzwords.” Rather, actions are credited in the context in which they are given. In his presentation, the appellant had a meeting with the firefighter but did not review the relevant SOPs and SOGs to prepare for the meeting. The appellant stated, “If he’s unable to complete the action, then we will resort to retraining the firefighter on proper scene protocol.” This is not the same as the supervisor reviewing any relevant SOPs and SOGs himself, and the appellant cannot receive credit for actions that he did not state. After disciplining the firefighter, the appellant stated, “I will devise a department-wide training schedule on proper incident protocol and how we should operate and maintain ourselves on scene and how we should interact with the civilians in public.” This response indicates that the appellant will create the SOPs or a training class, rather than review the ones in place. The appellant was the IC on scene, but he is not the Fire Chief, and without instructions from the Fire Chief, he does not have the authority to recreate SOPs or create lesson plans to meet training needs. This PCA referred to reviewing relevant SOPs and SOGs which that appellant did not do. His score 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 ON  
THE 17<sup>th</sup> 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: Malcolm Alston  
Michael Johnson  
Records Center