



STATE OF NEW JERSEY

In the Matter of Joseph Critchley,
Deputy Fire Chief (PM5155C),
Bloomfield

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

CSC Docket No. 2023-1900

Examination Appeal

ISSUED: November 22, 2023 (ABR)

Joseph Critchley appeals his score on the promotional examination for Deputy Fire Chief (PM5155C), Bloomfield. It is noted that the appellant passed the examination with a final average of 83.580 and ranks fifth on the eligible list.

The subject promotional examination was held on May 7, 2022, and seven candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises. Each exercise was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command: Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command: Fire Incident.

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, 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 performance to be acceptable in the technical component for some scenarios, 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.

This examination was given using the chain oral testing process, and candidates were given 10 minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from no response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. It is noted that candidates were told the following prior to beginning their presentations for each scenario: "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score."

For the Incident Command: Non-Fire Incident scenario, the appellant scored a 5 on the technical component and a 4 on the oral communication component. For the Supervision scenario, the appellant scored a 5 on the technical component and a 5 on the oral component. On the Administration scenario, the appellant scored a 2 on the technical component and a 5 on the oral component. Finally, on the Incident Command: Fire Incident scenario, the appellant scored a 2 on the technical component and a 5 on the oral component.

The appellant challenges his scores for the oral communication component of the Incident Command: Non-Fire Incident and the technical component of the Incident Command: Fire Incident. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

For the oral communication component of the Incident Command: Non-Fire Incident, the assessor stated that the appellant displayed a minor weakness in word usage/grammar. Specifically, the assessor noted that the appellant stumbled over words and occasionally changed course after starting a sentence. Examples cited by the assessor included: "I will have all incoming I will also assist" and "I will then attempt I will then implement my response objectives." On appeal, the appellant maintains that he should have been awarded a score of 5 on the oral communication component for this scenario because he was clear in his presentation of all technical information and was able to correct his stumbles in a way that did not have an effect on the message or information as it pertained to his answer. He avers that because his misused grammar did not create any confusion, he should be awarded a score of 5 for the oral communication component of the Incident Command: Non-Fire Incident.

In reply, a review of the appellant's presentation demonstrates that the assessor reasonably concluded that the appellant displayed a minor weakness in word usage/grammar that detracted from his communication and appropriately awarded him a score of 4 for the oral communication component of the Incident Command:

Non-Fire Incident. The appellant had to correct himself or pivot mid-sentence on a number of occasions. This pattern was particularly pronounced in the latter half of his presentation for this scenario and did detract from the efficacy of his communication. While the appellant points to his thorough presentation of pertinent technical information to argue that his score should have been a 5 for the oral communication component of this scenario, it is emphasized that the oral communication score is a distinct component from the technical score for each scenario and that identifying all or substantially all PCAs for a scenario does not dictate that a candidate receive a score of 5 for the oral communication component of the same scenario. Accordingly, the appellant has failed to meet his burden of proof with regard to his appeal of the oral communication component of his score for the Incident Command: Non-Fire Incident.

Regarding the technical components of the examination, the appellant challenges his score on the Incident Command: Fire Incident. The Incident Command: Fire Incident involves a fire at a factory that screen prints plastic sheeting. Adjacent to one corner of the factory is a rehabilitation and long-term care facility for senior citizens. Question 1 asks what actions should be taken upon arrival. Question 2 states that the manager of the rehabilitation and long-term care facility requests the fire department's assistance with the patients at his facility, including 20 who are unable to walk.

For the technical component of the Incident Command: Fire Incident, the assessor awarded the appellant a score of 2, finding that the appellant failed to identify a number of mandatory actions, including shutting down the HVAC system at the long-term care facility in response to Question 2, and several additional PCAs. On appeal, the appellant avers that he should have been credited with the mandatory response of shutting down the HVAC system because he repeatedly stated during his presentation that he would order all utilities in the fire building and the exposures to be shut down. In this regard, he contends that the HVAC system would be considered a utility in the context of his orders and that shutting down the other utilities, including gas and electric, would disable any HVAC system functions. As such, he argues that he should have received credit for this PCA and that his score should be revised accordingly.

In reply, it is noted that the instructions the appellant was given immediately prior to his presentation included, in relevant part: "In responding to the questions be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." Shutting down utilities was a distinct PCA for Question 1 and a PCA for which the appellant received credit. The appellant's references to utilities during the portion of his response addressing Question 2 was a statement that he would "ensure that utility companies are on scene to control all utilities to prevent hazards" and a subsequent reference to ensuring that utilities would be controlled. These statements are too general to find that he demonstrated an

awareness of the need to shut down the HVAC system in the adjacent long-term care facility. Critically, even assuming, *arguendo*, that the HVAC system were to be shut down by virtue of the utilities being turned off in the area, it would still be imperative to ensure that the dampers for the HVAC system are closed to minimize the potential entry and spread of smoke and hazardous compounds within the long-term care facility. Such an action is crucial given the compounds that may be present in the burning factory and the sensitivity of the elderly residents of the facility. As such, it cannot be said that the appellant should have been credited with the mandatory response of shutting down the HVAC system at the long-term care facility in response to Question 2 for this scenario. Accordingly, the appellant's score of 2 for the technical component of the Incident Command: Fire Incident is appropriate.

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 22ND DAY OF NOVEMBER, 2023



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