



STATE OF NEW JERSEY

In the Matter of John Arvanitis, Fire
Officer 3 (PM5162C), Jersey City

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

CSC Docket No. 2023-1888

Examination Appeal

ISSUED: September 20, 2023 (ABR)

John Arvanitis appeals his score on the promotional examination for Fire Officer 3 (PM5162C), Jersey City. It is noted that the appellant passed the examination with a final average of 86.740 and ranks seventh on the eligible list.

The subject promotional examination was held on April 23, 2022, and 13 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 test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The candidates' responses were scored on technical knowledge and oral communication ability. The various portions of the test were weighted as follows: technical score for the Incident Command: Non-Fire scenario, 24.42%; oral communication score for the Incident Command: Non-Fire scenario, 3.155%; technical score for the Supervision scenario, 14.17%; oral communication score for the Supervision scenario, 3.155%; technical score for the Administration scenario, 11.81%; oral communication score for the Administration scenario, 3.155%; technical score for the Incident Command: Fire scenario, 36.98%; and oral communication score for the Incident Command: Fire scenario, 3.155%.

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 nil 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 3 on the oral communication component. For the Supervision scenario, the appellant scored a 5 on the technical component and a 4 on the oral component. On the Administration scenario, the appellant scored a 3 on the technical component and a 4 on the oral component. Finally, with the Incident Command: Fire Incident scenario, the appellant scored a 3 on the technical component and a 3 on the oral component.

The appellant challenges his scores for the technical component of the Incident Command: Fire Incident scenario. The appellant also requests that the Civil Service Commission review his seniority score. As a result, the appellant's test material, video recording and a list of PCAs for the scenarios were reviewed.

The Incident Command: Fire Incident involves a fire at a one-story recreation center that consists, in part, of attached classrooms on Side C utilizing steel bar joists. The Fire Department Connection (FDC) is on Side C. Question 1 asks what actions the candidate should take to fully address the incident. Question 2 provides that during the incident someone "busts out of a window" from one of the Side C classrooms and a recreation center counselor yells that there are still kids in there. It also states that crews are reporting that water is not flowing from the sprinkler heads. Question 2 then asks what actions should be taken based on this new information.

For the technical component of the Incident Command: Fire Incident, the assessor found, in part, that the appellant failed to perform the mandatory response of ordering a primary search in the area of the building in response to Question 2. The assessor used the “flex rule” to give a score of 3. On appeal, the appellant points to a specific portion of the video where he stated that he would perform primary and secondary searches of all areas of the building to argue that he should have been credited with this PCA for Question 2.

Generally, candidates must identify all mandatory responses to receive, at minimum, a score of 3. However, a score of 3 may also be achieved via the “flex rule,” where a candidate provides many additional responses, but does not give a mandatory response. However, a score higher than a 3 cannot be provided utilizing the flex rule.

A review of the appellant’s presentation does not demonstrate that he should have been credited with ordering primary search crews to the area of the building referenced in Question 2 in the Incident Command: Fire Incident scenario. While the appellant did order primary and secondary searches at the timeframe he cites on appeal, this was during the portion of his presentation covering Question 1 for this scenario and there was a separate mandatory PCA of ordering a primary search for Question 1 for which the appellant received credit. Since ordering primary search crews to the area of the building referenced in Question 2 was a separate mandatory response to Question 2, the appellant needed to indicate that he would order that action during the portion of his presentation addressing Question 2. The appellant did state that he would order ladder crews to the Side C window and received credit for that PCA for Question 2. However, his statements fail to demonstrate that he would have performed the distinct action of ordering primary search crews to that area at that time. As such, because he did not specifically indicate that he would perform that mandatory action in his response to Question 2, he was properly awarded a score of 3 for the technical component of this scenario in accordance with the flex rule.


Finally, with regard to the appellant’s seniority score, examination seniority is based on the time from the regular appointment date (to the eligible title) to the closing date of the announcement, minus the time spent on layoffs, certain leaves of absence without pay, or suspensions. *See N.J.A.C. 4A:4-2.15* (Rating of examinations). The appellant received a promotion to Fire Officer 2 on August 25, 2017, and the closing date was February 28, 2022. His seniority score is 84.515. This reflects a base score of 70, plus 10 points for record of service, plus 4.515 for the 4 years, 6 months and 3 days he was a Fire Officer 2. Time spent in a provisional position or as an “acting” Fire Officer 2 is not added to seniority for any candidate. Accordingly, the record demonstrates that the appellant’s seniority score of 84.515 is correct. Further, a review of the appellant’s overall score calculation demonstrates that his final average of 86.740 was correct.

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 20TH DAY OF SEPTEMBER, 2023



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