



**STATE OF NEW JERSEY**

In the Matter of Thomas Jones, Jr.  
(PM5162C), Fire Officer 3, Jersey  
City

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

CSC Docket No. 2023-1977

Examination Appeal

**ISSUED: September 20, 2023 (ABR)**

Thomas Jones, Jr. 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 85.940 and ranks tenth 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 3 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 3 on the oral communication component. On the Administration scenario, the appellant scored a 5 on the technical component and a 3 on the oral communication component. Finally, for the Incident Command: Fire Incident scenario, the appellant scored a 3 on the technical component and a 4 on the oral communication component.

The appellant challenges his score for the technical component of the Incident Command: Non-Fire Incident scenario. As a result, the appellant's test material, video recording and a list of possible courses of action for the scenario were reviewed. The appellant also requests that the Civil Service Commission (Commission) review and explain how his seniority score was calculated and factored into his final average for the subject examination.

The Incident Command: Non-Fire Incident involves the response to a car submerged in a pool at a residence. The prompt asks what actions the candidate would take in response to the incident. For the technical component of the Incident Command: Non-Fire Incident, the assessor found that the appellant failed to perform the mandatory action of determining the number of victims/if the pool was occupied when the accident took place and that he missed several additional opportunities. On appeal, the appellant argues that he referenced assigning a victim tracking

coordinator through a series of actions, including delegating responsibility to track who, how many, and the location of civilian casualties; accounting for victims in the submerged motor vehicle, in and around the pool area and the interior of the residence; and having assigned companies perform primary and secondary searches.

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 fails to demonstrate that he should have been credited with the subject mandatory response. Assigning a victim tracking coordinator would not cover the need to determine the number of victims. Victim tracking officers “record information about all persons transported from the scene: name, unit, description, what medical facility were they transported to, by what ambulance, or other unit were they transported[.]” John Norman, *Fire Officer’s Handbook of Tactics* 317 (5<sup>th</sup> ed. 2019). Since the mandatory response requires determining the status and number of victims whose status and location were unknown and victim tracking officers deal with victims whose location and status are known, the appellant’s reference to a victim tracking officer was insufficient to credit him with identifying this PCA. Further, the appellant’s references to searches were too general to cover this mandatory response. Specifically, the Commission notes that the appellant referred to the residence as a “two-story wood frame building, detached” in his 360-degree size-up, and later indicated that he would have the ladder company conduct a primary and a secondary search of the “wood frame structure,” and rescue, remove, and provide progress reports for any victims within the structure. The Commission observes that the prompt does not specify the residence is a wood frame structure. At best, the appellant’s statements, taken together, convey that he would order a primary search of the home itself and cannot be said to cover the mandatory action of accounting for the number of victims, as the appellant did not convey that he would search outside areas of the property where potential victims might be present. Accordingly, the appellant has failed to meet his burden of proof in this matter and his score of 3 for the technical component of the Incident Command: Non-Fire Incident is sustained.

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 July 12, 2016, and the closing date was February 28, 2022. His seniority score is 85.636. This reflects a base score of 70, plus 10 points for record of service, plus 5.636 for the 5 years, 7 months and 16 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 85.636 is correct. Further, a review of the appellant’s overall score calculation demonstrates that his final average of 85.940 was 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 20<sup>TH</sup> DAY OF SEPTEMBER, 2023



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