



**STATE OF NEW JERSEY**

In the Matter of James Nickerson  
(PM5162C), Fire Officer 3, Jersey  
City

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

CSC Docket No. 2023-1843

Examination Appeal

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

James Nickerson 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 85.710 and ranks 11<sup>TH</sup> 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 5 on the oral communication component. For the Supervision scenario, the appellant scored a 5 on the technical component and a 4 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 2 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: 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 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 that the appellant failed to perform the mandatory action of performing a multi-sided view/360-degree size-up in response to Question 1, along with an additional mandatory response in response to Question 2 and several additional opportunities in response to both questions. On appeal, the appellant avers that he did state that he would perform a 360-degree size-up and he points to a specific part of his presentation in support.

In response to the appellant's appeal, the Division of Test Development, Analytics and Administration (TDAA) re-reviewed the recording of the appellant's presentation and agrees that the appellant should have been credited with this mandatory response. However, it also notes that even with this additional credit, based upon the other mandatory and additional responses the appellant failed to identify, his score for the technical component of the Incident Command: Fire Incident appropriately remains a 2. After its review, the Civil Service Commission agrees with TDAA's assessment regarding this scoring component.

### CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that, except for the technical component of the Incident Command: Fire Incident scenario, as indicated above, 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 the appellant's score for the technical component of the Incident Command: Fire Incident scenario remain unchanged at 2, but that any appropriate agency records be revised to reflect the appellant's identification of the above-noted PCA.

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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