



**STATE OF NEW JERSEY**

In the Matter of Constance Zappella,  
Fire Officer 3 (PM5162C), Jersey City

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

CSC Docket No. 2023-1851

Examination Appeal

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

Constance Zappella appeals her 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 88.680 and ranks third 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 4 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 4 on the oral communication component. Finally, for the Incident Command: Fire Incident scenario, the appellant scored a 3 on the technical component and a 5 on the oral communication component.

The appellant challenges her score on the technical component of the Incident Command: Fire Incident. As a result, the appellant's test material, video recording and a list of PCAs 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 checking the pressure being fed to the FDC in response to Question 2 and the additional opportunity to ensure that horizontal ventilation was performed. The assessor used the “flex” rule to give a score of 3. On appeal, the appellant argues that John Norman, *Fire Officer’s Handbook of Tactics* (4<sup>th</sup> ed. 2012) and Glenn P. Corbett & Francis L. Brannigan, *Building Construction for the Fire Service* (5<sup>th</sup> ed. 2015) indicate that checking the pressure being fed to the FDC would not correct an inoperable system and that having a Fire Fighter manually activate the system is the correct course of action. Accordingly, the appellant argues that she covered the necessary response to the situation by feeding the FDC in response to Question 1 and stating with Question 2 that she would acknowledge the report from a crew member about water not flowing and that she would “manually send someone to activate the sprinkler head.”

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, a score higher than a 3 cannot be provided in those cases.

In reply, the Norman source does, in fact, call for checking the FDC pressure under a circumstance like the subject scenario. Specifically, it states:

If the OS&Y [outside stem and yoke] valve is closed, pumping water into the FDC will not feed any water into that system or zone. Pump operators supplying the FDC should note whether discharge pressures fluctuate when the gate valve feeding this line is closed. If there’s no fluctuation in pressures as the valve is closed, a closed sprinkler valve may be the culprit.

As soon as possible, send a reconnaissance team equipped with forcible-entry tools including bolt cutters, and a portable radio to the sprinkler control valve location. If the sprinklers are not operating, chances are that the valve is closed. The recon team may be able to open the valve and restore protection.

John Norman, *Fire Officer’s Handbook of Tactics* 133 (5<sup>th</sup> ed. 2019).

In other words, the above recognizes that pressure may be the issue causing the sprinkler system to be inoperable and that even if checking and adjusting the FDC pressure does not fix the issue, it has value as a diagnostic tool. Conversely, by skipping the step of checking the pressure being fed to the FDC, the appellant could be missing a pressure issue and using a resource that isn’t needed. Similarly, Corbett

& Brannigan, *supra*, at 177, lists, in pertinent part, the following basic firefighting considerations for operating sprinkler systems:

- Supply the FDC.
- Verify the main riser control is open (usually an OS&Y valve).
- Note the pressure on the main riser gauges (supply side and discharge side of the alarm valve/dry pipe valve/deluge valve). Is the discharge gauge moving, possibly indicating water flow? Are they appropriate readings (e.g., does it read zero on the supply and discharge gauges, indicating a closed valve in the street)?
- Ensure the fire pump (if present) is working and read gauges; manually start the fire pump if necessary.

Thus, Corbett & Brannigan also contemplates checking the pressure being fed to the FDC. Further, the appellant stated that she would “manually send someone to activate the sprinkler head.” Even assuming, *arguendo*, that opening the main riser or OS&Y valve was an appropriate step ahead of or in lieu of checking the pressure being fed to the FDC, at best, the appellant’s statement that she would have someone manually activate a sprinkler head was too general to award her credit, as she did not specify that she was opening the appropriate valve or otherwise describing how she would accomplish the manual activation for all of the sprinkler heads in the Side C classrooms.<sup>1</sup> Accordingly, the appellant has failed to meet her burden of proof with regard to this mandatory PCA. As to the additional response of ensuring that horizontal ventilation was performed, the appellant should have been credited with the additional response. Nevertheless, the award of additional credit for this PCA will not impact her final score, as her rating of 3 for the technical component of the Incident Command: Fire Incident, pursuant to the flex rule, still remains correct based upon her failure to identify the mandatory PCA of checking the FDC pressure in his response to Question 2.

## 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 her burden of proof in this matter.

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<sup>1</sup> Further, because the appellant said she would “*manually send* someone to activate the sprinkler head,” as opposed to “sending someone to *manually activate* the sprinkler head,” she technically stated that she would, by hand and not by machine, send someone to perform the said action. See *Manually*, Merriam-Webster, available at <https://www.merriam-webster.com/dictionary/manually>.

**ORDER**

Therefore, it is ordered that the appellant's score for the technical component of the Incident Command: Fire Incident scenario remain unchanged at 3, 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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