



STATE OF NEW JERSEY

In the Matter of Juan Arboleda, Jr.,
Fire Captain (PM2337C), Newark

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

Examination Appeal

CSC Docket No. 2023-2254

ISSUED: August 14, 2024 (ABR)

Juan Arboleda, Jr. appeals his score on the oral portion of the promotional examination for Fire Captain (PM2337C), Newark. It is noted that the appellant passed the examination with a final average of 81.740 and ranks 81st on the eligible list.

This two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 35.90% of the score was the written multiple-choice portion, 22.04% was the technical score for the evolving exercise, 7.45% was the supervision score for the evolving exercise, 5.71% was the oral communication score for the evolving exercise, 23.20% was the technical score for the arriving exercise, 5.71% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (Evolving Scenario); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (Arriving Scenario). Knowledge of supervision was measured by a question in the Evolving Scenario, and was scored for that scenario. For the Evolving Scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the Arriving Scenario, a five-minute preparation period was given, and candidates had 10 minutes to respond.

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, firefighting 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. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process. 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."

Candidates were rated on a five-point scale, with 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. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the Evolving Scenario, the appellant scored a 3 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. For the Arriving Scenario, the appellant scored a 4 for the technical component and a 3 for the oral communication component.

The appellant challenges his score for the technical component of the Evolving Scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario was reviewed.

The Evolving Scenario involves a fire at a parking garage where the candidate is the First-Level Supervisor of the first arriving unit who will establish command and will be the incident commander until Battalion 5 arrives in 15 minutes. The Evolving Scenario involves a response to a report of a car fire in a six-story parking garage. The candidate reports to the third floor and finds a sedan with smoke and flames billowing from the vehicle's engine. Question 1 then asks what specific actions and orders the candidate would take to fully address the incident. The prompt for Question 2 presents that Battalion 5 is on-site and has assumed command. It further indicates that after the fire is out and the incident is under control the candidate and their crew are ordered to begin overhaul operations. It then asks what actions and orders the candidate should take to fully address this assignment.

The SME awarded the appellant a score of 3 on the technical component of the Evolving Scenario presentation based upon a finding that the appellant missed a number of opportunities, including the opportunities to identify the vehicle type (electric, gas, hybrid, etc.) and to ensure that crews swept the bottom of the vehicle with a hoseline. On appeal, the appellant challenges the validity of the PCA of identifying the vehicle type, as he argues that because the fact pattern did not state the type of vehicle in the scenario, it could not be ascertained. Further, the appellant maintains that he covered the PCA of sweeping the bottom of the vehicle by stating that he would ensure that the vehicle was stabilized and deenergized at a specified point in his presentation. He adds that he stated the fire was completely extinguished and checked for extension.

CONCLUSION

In the instant matter, the appellant's argument regarding the PCA of identifying the vehicle type is without merit. Here, candidates were not expected to state definitively that the car was, for example, a hybrid vehicle. Rather they were expected to articulate the general need to identify the vehicle type because the type of vehicle would dictate the resources and protocols required to extinguish the fire. In this regard, it is noted that International Association of Fire Chiefs and National Fire Protection, *Fundamentals of Fire Fighter Skills and Hazardous Materials Response* 679 (4th ed. 2019) states, in relevant part, that:

Following a [motor vehicle accident] or fire, [alternative-fuel] vehicles present hazards that are not encountered in incidents involving conventional vehicles. It is important for rescuers to recognize the hazards these vehicles pose both to rescuers and to victims and to be familiar with the additional steps needed to mitigate these hazards.

It further states that “[i]t will take more water and a longer period of time to extinguish [electric drive vehicle] fires. Apply water even after the flames are no longer visible; this is necessary to continue to cool the batteries. Batteries can reheat and ignite for a long period of time after the flames are extinguished.” *Id.* at 681. Thus, it was reasonable to require candidates to identify the need to ascertain the type of vehicle when responding to the incident. As to the appellant's arguments regarding the PCA of sweeping the bottom of the car with the hoseline, as noted above, 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.” With the subject scenario, stabilizing the vehicle was a distinct PCA for which the appellant received credit. However, the appellant's statement to that effect was too general of an action to award him credit for the separate and specific PCA of sweeping the bottom of the car with the hoseline. Further, a review of the appellant's

presentation on appeal fails to demonstrate that he otherwise identified the distinct action of sweeping the bottom of the car with the hoseline. As such, he was appropriately denied credit for this PCA. Accordingly, the appellant has failed to sustain his burden of proof and his score of 3 on the technical component of the Evolving Scenario is affirmed.

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 14TH DAY OF AUGUST, 2024



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