



STATE OF NEW JERSEY

In the Matter of Mel Gibson, Fire
Captain (PM2324C), East Orange

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

CSC Docket No. 2023-2281

Examination Appeal

ISSUED: August 14, 2024 (ABR)

Mel Gibson appeals his score on the oral portion of the promotional examination for Fire Captain (PM2324C), East Orange. It is noted that the appellant failed the subject examination.

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.

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.

On the Evolving Scenario, the appellant scored a 1 on the technical component, a 5 on the supervision component, and a 4 on the oral communication component. On the Arriving Scenario, the appellant scored a 2 on the technical component and a 4 on the oral communication component.

On appeal, the appellant challenges the scoring of the technical component of the Evolving Scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Evolving Scenario on the subject examination involved the response to a kitchen fire at a church where the candidate is the First-Level Supervisor of the first arriving ladder truck. Families on scene report that their teenaged children are missing and presumably still in the building. The prompt states that the incident commander orders the candidate to perform forcible entry and begin the search and rescue. Question 1 asks the candidate to give their initial actions and to describe in detail the specific procedures required to safely remove the victims. The prompt for Question 2 states that the second alarm response has not yet arrived and that upon completion of the search and rescue operation, the incident commander orders the candidate's crew to check for extension and assist in ventilation. Question 2 asks the candidate, as the supervisor of Ladder 4, to describe, in detail, what orders they should give their crew to complete the assignment from the incident commander.

On the technical component of the Evolving Scenario, the SME awarded the appellant a score of 1, based upon a finding that the appellant missed a number of

mandatory and additional responses, including, in relevant part, the mandatory response of ordering the crew to horizontally ventilate in response to Question 2. On appeal, the appellant argues that because he stated at a specified point that they were “going to ladder the roof of the building for vertical ventilation, open roof closest to the fire by making a four-foot by four-foot hole to let out the heated gases and smoke out the building through vertical ventilation,” he should have been awarded more points on his technical component score.

CONCLUSION

In the instant matter, the appellant stated that he would utilize vertical ventilation, which is distinct from the horizontal ventilation indicated in the mandatory response at issue. John Norman, *Fire Officer's Handbook of Tactics* 238-39 (5th ed. 2019) notes, in relevant part:

[F]actors that influence the choice of vertical or horizontal ventilation, or both, include the size and location of the fire, the construction of the building, the available staffing, and the effects of the weather, particularly wind.

* * *

Horizontal ventilation is often faster and easier to perform than vertical ventilation because it takes advantage of existing openings (windows and doors). In addition, horizontal ventilation can often be performed from ground level or from a one-person portable ladder. Vertical ventilation usually requires a longer ladder—and thus more personnel—to get to the roof.

Here, several factors support the conclusion that horizontal ventilation, rather than vertical ventilation, was the appropriate course of action in response to Question 2. The prompt indicates that at the time of the incident commander's order to check for extension and assist with ventilation, the second alarm response has not yet arrived on scene. Since horizontal ventilation would be faster and easier, and would require less personnel, it was therefore the most appropriate course of action under the circumstances. Furthermore, because the kitchen and dining areas have an acoustic, drop ceiling, the efficacy of vertical ventilation would be limited if the drop ceiling tiles cannot be knocked or pulled down. Finally, since damage from horizontal ventilation would be less costly to repair than vertical ventilation, it would further make horizontal ventilation the more advantageous course of action given the circumstances presented in Question 2. Accordingly, the appellant has failed to sustain his burden of proof and his score of 1 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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