



STATE OF NEW JERSEY

In the Matter of Jairo Soto, Fire
Captain (PM2337C), Newark

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

CSC Docket No. 2023-2261

Examination Appeal

ISSUED: August 14, 2024 (ABR)

Jairo Soto 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 78.870 and ranks 106th 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 2 for the technical component, a 4 for the supervision component, and a 5 for the oral communication component. For the Arriving Scenario, the appellant scored a 2 for the technical component and a 5 for the oral communication component.

The appellant challenges his score for the technical components of the Evolving and Arriving Scenarios.

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.

With the technical component of the Evolving Scenario, the SME awarded the appellant a score of 2, based on findings that the appellant missed several mandatory and additional responses, including, in part, feeding the fire department connection (FDC). On appeal, the appellant argues that he stated at specified point in his presentation that he would connect to any FDCs.

In reply, the appellant stated during his Evolving Scenario presentation that he would use a 1¾ inch hoseline to connect to the FDC. However, to connect to the FDC, one would need to stretch a 2½ inch or larger hoseline. As noted above, candidates were advised that “[i]n responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score.” Clearly, it would be inconsistent with this aspect of the scoring standard to award him credit for an answer with a technical error such as using an improper hoseline. Further, a review of the appellant’s presentation demonstrates that he was erroneously credited with two additional PCAs: instructing the crew to direct the hose stream under the dashboard and instructing the crew to run water over and under the engine compartment. However, the reversal of credit for these PCAs does not change the appellant’s score of 2 for this component. Accordingly, the appellant has failed to sustain his burden of proof and his score of 2 on the technical component of the Evolving Scenario.

The Arriving Scenario involves an incident where the candidate is a first-level supervisor who will be the highest-ranking officer and incident commander at a gas station fire. Upon arrival, a gas station employee reports that a portable kerosene heater in the gas station’s convenience store tipped over and the fire spread quickly. Additionally, another employee is trapped inside. Question 1 directed candidates to perform their initial report to the camera as they would upon arrival at the incident. Question 2 directed candidates to give their initial actions and then describe in detail the specific procedures required to safely remove the victims.

The SME awarded the appellant a score of 2 on the technical component of the Arriving Scenario based upon a finding that the appellant failed to identify a number of mandatory and additional responses, including, in part, reporting on arrival that a victim was reported trapped inside of the gas station convenience store. On appeal, the appellant argues that he addressed this by stating he would have the victim rescued, “which would clearly indicate that [he] was clearly aware that someone was trapped inside.”

In reply, rescuing/removing the victim was a PCA that was an additional response to Question 2 and distinct from the mandatory response to Question 1 at issue. Critically, the mandatory response to Question 1 at issue here required candidates to inform dispatch upon arrival on scene that a victim was reported as trapped inside of the convenience store. The appellant’s listing the rescue of the victim as an action he’d perform in response to Question 2 is not a substitute for

communicating that critical information to dispatch. The appellant's argument amounts to a request to accept his implied knowledge of a victim being trapped as a substitute for the specific requirement to notify dispatch about the victim. Since such a request would run counter to this clear examination instructions, it must necessarily fail. Accordingly, the appellant's score of 2 for the Arriving Scenario is sustained.

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. Additionally, it is ordered that appropriate agency records be revised to reflect the above-noted credit changes for the technical component of the Evolving Scenario, but that the appellant's overall score for this component remain unchanged at 2.

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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