



STATE OF NEW JERSEY

In the Matter of G.V., Fire Captain
(PM2353C), Wildwood

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

CSC Docket No. 2023-2386

Examination Appeal

ISSUED: October 16, 2024 (ABR)

G.V. appeals his score on the oral portion of the promotional examination for Fire Captain (PM2353C), Wildwood. 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. 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.

On the Evolving Scenario, the appellant scored a 2 on the technical component, a 1 on the supervision component, and a 5 on the oral communication component. On the Arriving Scenario, the appellant scored a 3 on the technical component and a 4 on the oral communication component.

The appellant challenges his scores for the technical and supervision components of the Evolving Scenario, and the oral communication and technical components of the Arriving Scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The Evolving Scenario involves a report of a fire at a single-story ranch house where the candidate is the first-level fire supervisor of Ladder 7 and Battalion 1 is the incident commander (IC). Upon arrival, the IC reports that there is smoke coming from Side A and orders the candidate's crew to conduct a primary search, as he cannot get confirmation if the owners are home or not. Question 1 then asks the candidate, as the supervisor of Ladder 7, to describe, in detail, what orders they would give their crew to carry out the assignment from the IC. The prompt for Question 2 states while conducting primary search operations the candidate and their crew notice a partial collapse from the interior over the garage. Question 2 then asks the candidate what actions they should now take.

The SME awarded the appellant a score of 2 on the technical component of the Evolving Scenario based upon a finding that the appellant failed to identify the mandatory responses of ensuring the removal of any victims in response to Question 1 and evacuating the crew in response to Question 2; and a determination that the appellant missed a number of additional opportunities. On appeal, the appellant argues that with the Question 1 response at issue, there were no victims present to remove and that with the Question 2 PCA at issue, he relayed to the IC that the collapse was partial and that he was able to continue the search because that the collapse occurring in the garage was remote relative to his current location and was not a “hindrance to [his] crew complet[ing] the primary search before evacuating the dwelling.”

In reply, on the Evolving Scenario, it is noted that the mandatory response to Question 1 at issue was specifically to “ensure the removal of any found victims.” Although the appellant argues that there were no victims present, the fact pattern offered no basis to definitively support that conclusion. As such, it was reasonable for candidates to account for the *possibility* of found victims needing to be removed, as contemplated by the specific language of that PCA and the appellant has failed to sustain his burden of proof with respect to this test item. Similarly, the appellant’s suggestion that there was not a need to evacuate following the partial collapse described with Question 2 is without merit. Significantly, since the appellant acknowledges the need to “evacuat[e] the dwelling” in his arguments on appeal and a review of his presentation confirms that he failed to take that action, it cannot be said that he has sustained his burden of proof. His rationale about being able to “complet[e] the search before evacuating the dwelling” is also flawed for a multitude of reasons. To wit, the diagram of the residence in the test booklet showed that one of the bedrooms was only accessible via a hallway located between that bedroom and the garage where the collapse occurred, meaning that further collapse could hinder a search of that portion of the house. Further complicating the continuation of a primary search is that the only other way to exit the house from that portion of the dwelling would be through the kitchen and dining areas where the fire is concentrated. Moreover, there is nothing in the fact pattern to suggest that the adjacent areas could not also see a collapse, particularly given the location of the fire. Accordingly, the appellant has failed to sustain his burden of proof and his score of 2 on the technical component of the Evolving Scenario is affirmed.

The supervision component of the Evolving Scenario provides that while concluding the incident, the candidate notices a personnel accountability tag (PAT) is missing from their company. Firefighter Smith informs the candidate that he has misplaced his PAT. It then asks the candidate how they will handle this situation upon return to the fire station.

On the supervision component of the Evolving Scenario, the assessor awarded the appellant a score of 1 based upon a finding that the appellant failed to identify a

significant number of PCAs in response to the scenario prompt, including, in part, opportunities to review Firefighter Smith's file, inform Firefighter Smith of the right to union representation and to conduct training. On appeal, the appellant questions his rating of 1, given that his review sheet did not contain any "candidate failed to" statements (*i.e.*, did not indicate that he missed any mandatory responses. Regarding the PCA of reviewing Firefighter Smith's file, the appellant maintains that he clearly stated that he notified Firefighter Smith about the investigation and that "reviewing personnel files is a standard part of any type of investigation and should be implied." Concerning the PCA of informing Firefighter Smith that he is entitled to union representation, the appellant maintains that because Firefighter Smith had not been charged with any disciplinary action, while he was "entitled to representation, [] representation isn't required every time a supervisor asks a question." Finally, the appellant contends that he covered the opportunity to conduct training by stating that Firefighter Smith would be informed of any disciplinary action after the appellant conferred with his supervisor and that "[r]emedial training would fall into this category."

In reply, on the scoring standard for the subject examination, the supervision component PCAs were equally weighted, rather than categorized as mandatory or additional responses. As a result, the absence of any "candidate failed to" statements on the appellant's Evolving Scenario supervision component review sheet cannot be said to suggest any error in the scoring of the supervision component. Turning to the appellant's arguments related to specific PCAs, he argues that he covered the PCAs of reviewing Firefighter Smith's file and conducting training based on statements that implied he would do so. Since this argument runs counter to the clear examination instructions regarding the importance of specificity, it must necessarily fail. As to the PCA of informing Firefighter Smith that he is entitled to union representation, since the appellant would be interviewing Firefighter Smith about a matter that clearly could have disciplinary implications, it was critical for him to expressly advise Firefighter Smith of the right to union representation. Since he failed to explicitly identify that PCA, he was appropriately denied credit for it. Accordingly, based upon the foregoing and a review of the appellant's Evolving Scenario supervision component presentation, the appellant's Evolving Scenario supervision component score of 1 is affirmed.

The Arriving Scenario involves a response to a report of fire and smoke at a two-story, single family, wood-framed residential property, in which the candidate will be the highest-ranking officer on scene. Upon arrival, the candidate sees fire and smoke coming from a second floor window and the attic above it on Side A. There are no cars in the driveway upon arrival and nobody is outside of the home. The candidate sees a single police officer running around the house attempting to make entry into the house.

On the oral communication component of the Arriving Scenario, the assessor indicated that the appellant displayed a minor weakness in organization, as evidenced by his frequent pauses in the middle of his sentences. Based upon the foregoing, the assessor awarded the appellant a score of 4 for this component. On appeal, the appellant states that his speech was slow and deliberate because of a speech impediment, but avers that it was clear and concise. Based upon the foregoing, the appellant contends that his score should have been higher.

In reply, although the appellant attributes his oral communication style to a disability, it is noted that the appellant did not indicate that he needed a disability accommodation when he applied for the subject examination. This is crucial, as *N.J.A.C. 4A:4-2.14(a)* provides that otherwise qualified applicants with disabilities may request an accommodation in taking an examination by indicating their request for accommodation on the examination application. Further, *N.J.A.C. 4A:4-6.4* provides that an examination candidate wishing to challenge the manner in which the examination was administered must file an appeal in writing at the examination site on the day of the examination. Under *N.J.A.C. 4A:4-2.14*, if the appellant needed an accommodation due to a disability, he needed to make this request at the time he submitted his application so that this agency could verify the need for the accommodation and make appropriate arrangements for the accommodation. In this matter, the appellant waited until filing his appeal in April 2023 to request an accommodation. Based upon the foregoing, the appellant's challenge, as it relates to his asserted condition, is moot as untimely. As to the appellant's performance, a review of the appellant's Arriving Scenario presentation confirms the accuracy of the assessor's determination that the appellant displayed a minor weakness in organization based on his pauses during his presentation. Accordingly, the appellant's Arriving Scenario oral communication score of 4 is affirmed.

On the technical component of the Arriving Scenario, the prompt asks what the candidate's main concerns are when conducting their size-up for their initial report and what specific actions they should take to fully address this incident. The assessor awarded the appellant a technical component score of 3 based upon a finding that the appellant missed a number of additional responses, including, in part, opportunities to address the police officer freelancing and request emergency medical services (EMS). On appeal, the appellant acknowledges that he did not address the police officer freelancing, but maintains that he covered requesting EMS by asking for rehabilitation due to the weather conditions and calling for a second alarm to rotate personnel.

In reply, upon review of the appellant's appeal, the Division of Test Development, Analytics and Administration (TDAA) has determined that the appellant should have received credit for the PCA at issue because he made a statement directly requesting EMS during his presentation. However, TDAA advises

that even with the award of this additional credit, the appellant's Arriving Scenario technical component score of 3 remains unchanged.

CONCLUSION


A thorough review of the appellant's submissions and the test materials indicates that, except 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 this appeal be granted in part and that appropriate agency records be revised to reflect the above-noted adjustment to the appellant's scoring record for the technical component of the Arriving Scenario, but that the appellant's overall score for this component remain unchanged at 3.

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 16TH DAY OF OCTOBER, 2024



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