



STATE OF NEW JERSEY

In the Matter of Matthew Costello,
Fire Officer 1 (PM2389C), Jersey City

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

CSC Docket No. 2023-2280

Examination Appeal

ISSUED: July 24, 2024 (ABR)

Matthew Costello appeals his score on the oral portion of the promotional examination for Fire Officer 1 (PM2389C), Jersey City. It is noted that the appellant passed the examination with a final average of 88.930 and ranks 34th 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 Officer 1 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 5 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. On the Arriving Scenario, the appellant scored a 2 for the technical component and a 4 for the oral communication component. The appellant challenges his score for 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 scenario were reviewed.

The Arriving Scenario involved a report of a fire in a storage unit in a storage facility where the candidate will be the incident commander throughout the incident and will establish command. The question asks what the candidate's concerns are when sizing up this incident and what specific actions the candidate should take to fully address this incident.

On the oral communication component of the Arriving Scenario, the assessor awarded the appellant a score of 4 based upon a finding that the appellant displayed a minor weakness in clarity. Specifically, the assessor noted that the appellant made several confusing statements, including a statement that "the line will protect the open interior stairwell," despite the lack of any stairwells in the scenario and that "they will stretch a 2.5 inch line and go to the floors above the fire," despite the scenario indicating that the storage facility is a one-story facility. On appeal, the appellant argues that his statement about bringing a line to the floors above the fire signified that the companies would bring a line to the roof.

With regard to the technical component of the Arriving Scenario, the SME found that the appellant failed to perform the mandatory actions of securing a water supply and ordering a hoseline stretched to protect exposures. The SME also found that the appellant missed a number of additional PCAs, including checking exposures for extension. Based upon the foregoing, the appellant received a rating of 2 for the technical component of the Arriving Scenario. On appeal, the appellant argues that he covered the mandatory response of establishing a water supply at three separate specified points during his Arriving Scenario presentation.

CONCLUSION

In the instant matter, the appellant's argument regarding his oral communication score is without merit. The appellant does not dispute that he erred in referring to an "open interior stairwell" that was not actually present. He merely argues that the other statement the assessor cited about bringing a line to the floors above the fire signified that the companies would bring a line to the roof. In this context, the appellant's reference to "floors" would be understood as synonymous with the term "story." Critically, the Building Subcode adopted pursuant to *N.J.A.C. 5:23-3.15*¹ defines a "story" as:

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above . . . A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

The exam materials make clear that this is a one-story structure. Therefore, it was reasonable for the assessor to find that the appellant displayed a minor weakness in clarity by making multiple inaccurate references to the structure type. Accordingly, his oral communication score of 4 is sustained.

As to the technical component of the Arriving Scenario, upon review of the appellant's appeal, the Division of Test Development, Analytics and Administration (TDAA), advises that the appellant should have been credited with the mandatory responses of securing a water supply and ordering a hoseline stretched to protect exposures. However, TDAA also advises that the appellant was erroneously credited with discussing that Engine 6 would be delayed. Based upon the foregoing, TDAA

¹ See *N.J.A.C. 5:23-3.14*. See also Int'l Code Counsel, 2021 Int'l Bldg. Code § 202 (N.J. ed.), available at https://codes.iccsafe.org/content/NJBC2021P1/chapter-2-definitions#NJBC2021P1_Ch02_Sec202.

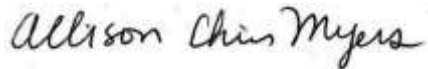
advises that the appellant should be awarded a score of 3 pursuant to the “flex rule”². The Civil Service Commission agrees with TDAA’s assessment.

ORDER

Therefore, it is ordered that this appeal be granted in part and that the appellant’s score for the technical component of the Arriving Scenario be raised from 2 to 3. It is further ordered that this scoring change be given retroactive effect.

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 24TH DAY OF JULY, 2024



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² Generally, candidates must identify all mandatory responses to receive, at minimum, a score of 3. However, a score of 3 may also be achieved via the “flex rule,” where a candidate provides many additional responses, but does not give all mandatory responses. However, a score higher than a 3 cannot be provided utilizing the flex rule.