



**STATE OF NEW JERSEY**

In the Matter of Samuel Porch, Fire  
Officer 1 (PM2389C), Jersey City

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

CSC Docket No. 2023-2351

Examination Appeal

**ISSUED: July 24, 2024 (ABR)**

Samuel Porch, represented by Joseph A. Burke, Esq., 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 84.260 and ranks 84<sup>th</sup> 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. 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 3 for the technical component, a 4 for the supervision component, and a 4 for the oral communication component. On the Arriving Scenario, the appellant scored a 3 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.

On the oral communication component of the Arriving Scenario, the assessor found that the appellant displayed a minor weakness in word usage/grammar and awarded him a score of 4. Specifically, the assessor stated that the appellant "use[d] 'uh, um' many times from during his responses. This distracted from his overall presentation." On appeal, the appellant challenges his oral communication score based upon a mistaken belief that the assessor found that the appellant was distracted during his presentation.<sup>1</sup>

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<sup>1</sup> The appellant presents that the Civil Service Commission (Commission) denied his request for a retest in *In the Matter of Samuel Porch* (CSC, decided May 18, 2022) on the basis that the "appellant did not appear distracted." Based upon his mistaken belief that the assessor found that the appellant was distracted during his presentation, the appellant requests that the Commission either raise his

The technical component of 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 prompt 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 technical component of the Arriving Scenario, the SME awarded the appellant a score of 3, pursuant to the "flex rule,"<sup>2</sup> based upon findings that the appellant failed to identify the mandatory response of ordering a hoseline stretched to protect exposures and several additional responses, including the opportunity to address wind speed. On appeal, the appellant argues that he identified the subject PCA at a specified point during his presentation and that his technical component score should be revised accordingly.

## CONCLUSION

In the instant matter, regarding the oral communication component of the Arriving Scenario, the record evidences that the appellant misinterpreted the assessor's basis for awarding him a score of 4. The assessor found that the appellant's frequent use of filler words like "uh" and "um" was distracting to the listener, not that the appellant appeared distracted. A review of the appellant's presentation on appeal confirms the assessor's findings. Specifically, the appellant used these filler words in excess of 25 times during his presentation for this scenario. Further, although not specifically noted by the assessor, the Commission observes that the appellant often repeated words and phrases and that stumbling in this manner is also considered a weakness in word usage/grammar. As such, there is no basis to revise the appellant's Arriving Scenario oral communication component score or revisit the Commission's prior denial of the appellant's request for a retest in *In the Matter of Samuel Porch, supra*.

As to the technical component, a review of the appellant's presentation demonstrates that he should have been credited with the additional PCA regarding wind speed. However, a review of the appellant's presentation on appeal also shows that he was erroneously credited with the mandatory response of ordering forcible entry on Side "A" to gain entry to the involved unit. Specifically, the appellant stated that he would "have them force entry into all units." This statement was problematic, as his general assertion about forcing entry "into all units" did not make clear that he was focusing his efforts on the involved unit or building, as required. Accordingly,

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score because it found in its prior decision that he was not distracted or reconsider his prior decision and grant him a retest if he appeared distracted.

<sup>2</sup> 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 a mandatory response. However, a score higher than a 3 cannot be provided utilizing the flex rule.

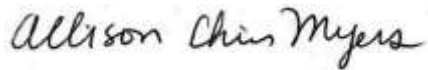
based upon the appellant failing to identify two mandatory PCAs, his score on the technical component of the Arriving Scenario shall be lowered from 3 to 2.

### ORDER

Therefore, it is ordered that the appellant's oral communication component scores for the Arriving Scenario shall remain unchanged at 4. It is further ordered that any appropriate agency records be revised to reflect the above-noted Arriving Scenario technical component credit adjustments and that the appellant's score for this component be reduced from 3 to 2 with 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 24<sup>TH</sup> DAY OF JULY, 2024




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