



**STATE OF NEW JERSEY**

In the Matter of Andrew Bisciegia,  
Fire Captain (PM4449C), Atlantic  
City

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

CSC Docket No. 2023-2423

Examination Appeal

**ISSUED: September 25, 2024 (ABR)**

Andrew Bisciegia appeals his score on the oral portion of the promotional examination for Fire Captain (PM4449C), Atlantic City. It is noted that the appellant passed the examination with a final average of 88.140 and ranks 18<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 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 1 for the technical component, a 4 for the supervision component, and a 5 for the oral communication component. On the Arriving Scenario, the appellant scored a 5 for the technical component and a 4 for the oral communication component.

The appellant challenges his score for 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 involves a report of a fire at an abandoned school used for storage, with candidates being the first-level supervisor of the first arriving ladder company. Battalion 3 is on scene first. The incident commander is reporting heavy fire from the second floor at the A/D corner of the building and orders the candidate to conduct a primary search, as he is getting reports of possible squatters inside of the vacant property. Question 1 asks the candidate, as the supervisor of Ladder 5, to describe, in detail, what orders they would give their crew to carry out the assignment from the incident commander. The prompt for Question 2 states that while conducting primary search operations on the second floor, the candidate and their crew notice a structure member beginning to compromise from the interior on Side D. Question 2 then asks the candidate what actions they should take as a result.

The SME indicated that the appellant failed to order a primary search on the second floor and missed the opportunity to ensure the crew ventilated horizontally in response to Question 1 and, on Question 2, failed to evacuate the crew and failed to account for the whole crew/answer to the personnel accountability report (PAR) from the incident commander. On appeal, the appellant argues that he covered all of the PCAs at issue and he provides the points in his presentation where he maintains he made the statements that addressed these items. Specifically, the appellant maintains that he covered ordering the primary search on the second floor by stating that his primary search would begin on the D side of the building and that since the seat of the fire was on the second floor of the building, his statement was sufficient to cover that response. He maintains that on Question 2, although he initially stated that they didn't have to immediately evacuate, he subsequently covered evacuating the crew by stating that if the safety officer said to evacuate, they would do so. In this regard, he contends that since the structural member was showing early signs of compromise, it was not necessary to evacuate and there was sufficient time for the safety officer to inspect the member and make a decision on how to proceed. Finally, regarding accounting for the whole crew/answering to the PAR from the incident commander, the appellant maintains that the question did not mention that the incident commander requested or called for a PAR, but he presents that he called for a PAR at a specified point in his presentation.

## CONCLUSION

In the instant matter, the appellant has failed to sustain his burden of proof. As noted above, 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." The appellant's argument regarding the primary search on the second floor is an argument that his general action of conducting a search on the D side of the building should have been credited. Such an argument must fail based upon the clear instructions given to candidates. As to the evacuation order in Question 2, it is noted that the appellant stated, in reference to the compromised structural member, "since it's beginning it's just beginning [sic] to be compromised, we still have still have [sic] time and we don't have to immediately evacuate unless the safety officer says we immediately evacuate." A compromised structural member clearly creates uncertainty about whether it is safe to remain in the structure due to potential instability. The appellant's initial declaration that it was unnecessary to evacuate was clearly imprudent and risky. The appellant's subsequent statement that he would evacuate if the safety officer said to do so was problematic in several ways. First, his statements taken together signify that the appellant was noncommittal on whether to evacuate, which clearly fell short of the requirement that the appellant provide specific responses, rather than general ones. Further, even assuming, *arguendo*, that it would be appropriate to call in the safety officer and have them

inspect the structural member, it is inescapable that even if such an inspection could be done quickly, because there was a potential risk of a structural collapse within the intervening timeframe, the crew should have been promptly evacuated. Finally, regarding accounting for the whole crew/answering to the PAR from the incident commander, because the appellant used qualifying language, stating that “if we had to evacuate, I would then request a PAR,” rather than definitively ordering that action, he was properly denied credit for this PCA. Based upon the foregoing, the appellant’s Evolving Scenario technical component score of 1 is sustained.

### 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 25<sup>TH</sup> DAY OF SEPTEMBER, 2024




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