



STATE OF NEW JERSEY

In the Matter of Christopher Emmell,
Fire Captain (PM4449C), Atlantic
City

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

CSC Docket No. 2023-2425

Examination Appeal

ISSUED: September 25, 2024 (ABR)

Christopher Emmell 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 84.010 and ranks 40th 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.

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

The appellant challenges his score for the technical and supervision components of the Evolving Scenario.

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, Ladder 5. Battalion 3 is on scene first and 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 awarded the appellant a score of 2 for the technical component of the Evolving Scenario, based upon a determination that he missed multiple mandatory

responses, including, in part, instructing the crew to leave their equipment behind; and missed a number of additional opportunities, including the opportunity to ensure that the crew's accountability tags were handed to the command post before going inside. On appeal, the appellant argues that it would be improper to leave all equipment behind because a tool or equipment, such as a rope, may be needed to aid in an emergency evacuation. In particular, he cites John Norman, *Fire Officer's Handbook of Tactics* 294 (5th ed. 2019), which states that "[a]lmost any tool can be used as an emergency anchor if it can be placed across the corner of the window opening," that "[t]he choice of tool is not critical," and that "[i]f you aren't equipped with a harness but do have a rope, it is possible to perform an emergency body wrap and perform the same feat of escape."

In reply, regarding the PCA of instructing the crew to leave their equipment, Vincent Dunn, *Safety and Survival on the Fireground* 408-09 (2nd ed. 2015) provides, in pertinent part:

A withdrawal action is ordered when a rapidly increasing danger is anticipated. It is a proactive change of strategy an incident commander can order.

* * *

Common reasons for an emergency evacuation would be a terrorist bomb report, hazardous material discovery, report of collapse, and rapidly spreading, uncontrollable fire. When the incident commander orders an emergency exit evacuation, unlike a withdrawal, fire department tools and hoselines are left behind to speed up evacuation of personnel and a roll call or head count must be conducted after the evacuation to determine any missing firefighters.

John Norman, *Fire Officer's Handbook of Tactics* 555 (5th ed. 2019) draws a similar distinction, noting that "[a]n orderly withdrawal allows time to locate all of the members and ensure that everyone brings out their equipment. In an emergency evacuation, it's drop your tools and run!" The appellant's arguments are inconsistent with this principle regarding evacuations. Accordingly, the appellant has failed to sustain his burden of proof for the Evolving Scenario and his technical component score of 2 for the subject scenario is affirmed.

The prompt for the supervision component of the Evolving Scenario provides that once outside of the building, the candidate orders their company to assist engine companies with back-up lines for defensive operations. It then states that while they perform this task, the candidate notices one of their firefighters stretching the back-up into the collapse zone. The prompt then asks what actions the candidate should take on scene and back at the firehouse.

The SME awarded the appellant a score of 3 on the supervision component of the Evolving Scenario, based upon a determination that the appellant missed a number of opportunities, including the opportunities to check the firefighter's records (e.g., training, personnel) and to document any actions taken. On appeal, the appellant argues that he should have been credited with documenting the actions taken based upon his statement during his presentation that "back at the firehouse [he] said to document and to go over [standard operating procedures], [standard operating guidelines], rules and regulations." In reply, a review of agency records reveals that, contrary to the information communicated to the appellant during his review session, he was in fact credited with the PCA of documenting all actions taken when his presentation was scored by an assessor. Further, a review of his presentation on appeal confirms that the appellant's score of 3 is accurate based upon the number of PCAs the appellant successfully identified for that scenario, including documenting any actions taken.

CONCLUSION

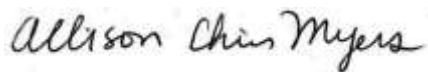
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 25TH DAY OF SEPTEMBER, 2024



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