



**STATE OF NEW JERSEY**

In the Matter of **Ciro D'Urso**, Deputy  
Fire Chief (PM2231F), South Essex

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

CSC Docket No. 2025-365

Examination Appeal

**ISSUED: March 19, 2025 (ABR)**

Ciro D'Urso appeals his score on the promotional examination for Deputy Fire Chief (PM2231F), South Essex. It is noted that the appellant passed the examination with a final average of 80.630 and ranks fourth on the eligible list.

The subject promotional examination was held on April 24, 2024, and five candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises. Each exercise was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command: Non-Fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command: Fire Incident. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: technical score for the Incident Command: Non-Fire scenario, 24.42%; oral communication score for the Incident Command: Non-Fire scenario, 3.155%; technical score for the Supervision scenario, 14.17%; oral communication score for the Supervision scenario, 3.155%; technical score for the Administration scenario, 11.81%; oral communication score for the Administration scenario, 3.155%; technical score for the Incident Command: Fire Incident scenario, 36.98%; and oral communication score for the Incident Command: Fire Incident scenario, 3.155%.

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, fire fighting 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. For a performance to be acceptable in the technical component for some scenarios, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

This examination was given using the chain oral testing process, and candidates were given 10 minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from no response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. 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."

On the Incident Command: Non-Fire Incident scenario, the appellant scored a 2 on the technical component and a 5 on the oral communication component. On the Supervision scenario, the appellant scored a 5 on the technical component and a 5 on the oral communication component. On the Administration scenario, the appellant scored a 4 on the technical component and a 5 on the oral communication component. Finally, on the Incident Command: Fire Incident scenario, the appellant scored a 3 on the technical component and a 4 on the oral communication component.

The appellant challenges his score for the technical component of the Incident Command: Fire Incident scenario. As a result, the appellant's test material, video recording and a list of possible courses of action for the scenario was reviewed.

The Incident Command: Fire Incident scenario involves the candidate, as a newly appointed Deputy Fire Chief, responding to a fire at a refinery yard that houses bulk storage containers of refined fuels. Side A faces a street, beyond which are multiple residences. Side B faces additional fuel storage containers. Side C faces additional storage containers, beyond which is a river. Side D faces a road, beyond which is an empty grass lot. Engine 2 is delayed, but the rest of the first alarm response arrives on location with the candidate. Upon arrival, the candidate sees one of the fuel storage containers giving off heavy dark grey smoke and the yard supervisor informs the candidate that three crew members working closest to the

container are unaccounted for. The prompt then asks what immediate concerns the concerns the candidate has upon arrival at the incident and what actions they should take to fully address the incident.

The SMEs awarded the appellant a score of 3, pursuant to the “flex rule,”<sup>1</sup> on the technical component of the subject scenario. The SME indicated this was based upon a finding that the candidate failed to identify the mandatory response of establishing a collapse zone/safety zone/BLERVE and several additional opportunities. On appeal, the appellant argues that he covered the mandatory response at issue by stating that he would “make calls to the utility company, police department for crowd control and to set up a perimeter.”

In reply, 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 statement cited by the appellant was too general to award him credit for the mandatory response at issue, as, in context, it only accounted for using police to keep crowds away from the fire crews and did not specifically acknowledge a collapse zone, safety zone or BLERVE, particularly as it related to having the fire crews themselves operating at a safe distance from the associated hazards. Accordingly, the appellant has failed to sustain his burden of proof and his Incident Command: Fire Incident technical component score of 3, pursuant to the flex rule, is affirmed.

## **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**

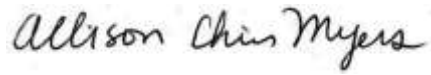
Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

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<sup>1</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.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 19<sup>TH</sup> DAY OF MARCH, 2025



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