

B-17



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carl Griffin Sr.,
Fire Captain (PM1128S),
Long Branch

Examination Appeal

CSC Docket No. 2016-728

ISSUED: **OCT 22 2015**

(RE)

Carl Griffin Sr. appeals his score for the oral portion of the examination for the second level Fire Captain (PM1128S), Long Branch. It is noted that the appellant failed the examination.

It is noted for the record that this two-part examination consisted of a written multiple-choice test and an oral examination. 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: written multiple choice portion, 34.91%; technical score for the Evolving Scenario, 27.11%; oral communication score for the Evolving Scenario, 1.75%; technical score for the Administration of Procedures Scenario, 10.75%; oral communication score for the Administration of Procedures Scenario, 2.5%; technical score for the Arrival Scenario, 21.23%; and oral communication score for the Arrival Scenario, 1.75%.

The oral portion of the second level Fire Captain examination consisted of three scenarios: a fire scenario simulation with questions designed to measure the ability to assess risk factors and strategies involved in fireground command (Evolving); a simulation designed to measure the ability to implement a program and the factors/problems associated with program administration (Administration); and a fire scenario simulation designed to measure the risk factors and strategies associated with an incident that could potentially involve a hazardous material (Arrival). For the Evolving and Administration scenarios, candidates were provided with a 25-minute preparation period for both, and candidates had 10 minutes to

respond to each. For the Arrival 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, 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.

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 scenarios, and for oral communication, the requirements for each score were defined. For the Evolving scenario, the appellant scored a 1 for the technical component and a 2 for the oral communication component. For the Administration scenario, the appellant scored a 2 for the technical component and a 3 for the oral communication component. For the Arrival scenario, the appellant scored a 3 for the technical component and a 5 for the oral communication component.

The appellant challenges his scores for the technical components of the Evolving and Administration scenarios. As a result, the appellant's test material, audiotape, and a listing of possible courses of action for the scenarios were reviewed.

The Evolving scenario concerned an activated fire alarm at the four-story county courthouse on a Thursday in May at 2:30 PM. It is 88°F with a 12 MPH wind blowing from the southwest. The candidate is the officer of the first arriving ladder company, and he arrives with two engine companies and a chief officer. The courthouse was recently completed and opened, and utilizes non-combustible construction. The first floor has a lobby, several sitting areas, two separate office cubicle spaces, and a small cafeteria. The second and third floors have a combination of courtrooms and conference rooms, and the fourth floor has open office space with cubicles. There is also a cellar which includes prisoner holding cells, two elevators, and two sets of stairs. Upon arrival, the candidate does not see any visible smoke. The building manager says that you can see and smell smoke on the second floor, but they have not been able to determine its source or locate any fire. He tells the candidate that, early that morning, a plumber was working on the sprinkler system which is out of service. The chief has assigned the candidate as

Division 2 supervisor, and gives the candidate his ladder company and two engine companies to start initial operations. The Incident Commander (IC) has already requested a second alarm response. Question 1 asked for initial actions including the assignments of the resources. Question 2 indicated that, as the companies are performing their designated assignments, flashover occurs inside the walls in the ceiling of the second floor bathroom. The bathroom and adjacent rooms are now fully involved, and fire is now spreading laterally on division 2. This question asks for additional actions and requests at this time to address the situation.

The assessor noted that the appellant failed to assign the engine company to stretch a hose line to the second floor (locate fire), and to assign a second engine company to stretch a backup hoseline, which were mandatory responses to question 1; and to inform the IC of the flashover, which was a mandatory response to question 2. He also noted that the appellant missed the opportunities to request an additional ladder company to assist in search and rescue (question 1), and to perform a secondary search (question 2). On appeal, the appellant argues that he stated that lines needed to be put into operation, mentioned 2½ inch hand line or lines by the engine companies, mentioned the stretch on the second floor, and indicated that the main job was to get water on the fire. He states that, for question 2, he requested a second alarm, requested additional resources for suppression and put lines into operation, requested additional alarm companies for the second floor, reported to command the source of the flashover, checked the floor to be evacuated of personnel, requested EMS, requested PAR checks, and requested additional resources for a search after the flashover. The appellant believes that all the mandatory responses were for question 2, and that he should receive a score of 3 for a good response on question 1.

It is noted that certain responses to the situation presented in the scenario are mandatory. That is, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). All mandatory responses must be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5.

The SMEs determined that assigning the engine company to stretch a hose line to the second floor (locate fire), and assigning a second engine company to stretch a backup hoseline, were mandatory responses to question 1. In his presentation, the appellant stated, "I'm assigned to the second floor division as the leader of the ladder company. Ah, as of this time, command has been established, a second alarm has already been transmitted. We're dealing with a class one building type, combustibles. Ah, the main problem for fire threat or fire spread is our HVAC

system and smoke threat throughout the building. Um, at this time we are assigned one engine, ah, one truck, two engines. Ah, the engine companies will work together to find out where our smoke is coming from." The appellant then described equipment that the firefighters wore and brought with them. He ordered a systematic search with thermal imaging cameras, evacuated the second floor, performed overhaul looking for the source of smoke and fire, and controlled utilities. He performed forcible entry as part of the search, laddered the building, performed periodic PAR checks, and provided progress reports to the IC. At this point, the appellant had not brought hose lines into the building, so the assessor asked the appellant to elaborate on his initial assignments to the ladder company and the two engine companies. The appellant replied that the ladder company would be ordered to search and that there was no fire source yet. He repeated the orders to the ladder company and then stated, "The engine companies, um, obviously if there's no hose lines to be stretched at this time engine companies can assist with that operation. They need to be ready with a water supply in case there is a fire. Um it is, the building is a large building. And there's a large life hazard with it because of the number of people that will be in the court during the day." After asking the assessor if that was a better response, the appellant continued, "Um, it's your basic assignments. The engine companies get water on the fire, you know, put water between ah, protection between the um, occupants of the building and, and the fire. Um, protect the stairwells, interior stairwells. Ah, truck companies need to do the search of the floor, search the floor for life safety first then back to searching for the fire. We have no visible fire." Thus the appellant did not indicate that he would assign the engine company to stretch a hose line to the second floor after locating fire, and assign a second engine company to stretch a backup hoseline. Instead, he indicated only that they were to locate the fire. Later, he gave general actions that an engine company would take and then said there was no visible fire. He did provide specific orders to the engine company. The appellant missed both mandatory responses for question 1 as indicated by the assessors, as well as an additional mandatory response, connecting to the standpipe on the first floor. The appellant did not properly utilize the engine companies in response to question 1.

In responding to question 2, the appellant did not report to the IC that there was flashover, a mandatory response to question 2. He stated, "Um, an additional alarm, at least on our end, on the second floor should be transmitted and a PAR check of all my personnel. Ah, they all need to be accounted for and make sure they're safe. Um, a request for charging of the FDC if not done already to give us a water supply. The engine companies need to get lines in operation. Those lines should be a 2½ inch line if it is a commercial building." The appellant performed ventilation and evacuated the floor due to the flashover, and took other actions which were concerns of the IC, such as controlling utilities. Nevertheless, he did not report to the IC that there was flashover. The appellant's performance for this component was significantly below average, and his score of 1 will not be changed.

In the Administration scenario, Firefighter Jackson informs the candidate that a Lieutenant has been acting strangely for over a month, as he has been extremely withdrawn and often seen mumbling to himself. He rarely speaks to his crew any longer. This is the first that the candidate has heard of this, and he has not been aware of any problems with Lieutenant Anderson. The Lieutenant has been known as an outgoing and well-respected officer with a decorated career. The firefighter says he is concerned for Lieutenant Anderson and the rest of his crew, who have been talking about the issue but have been too afraid to say anything. The candidate does not know of any recent incidents or reasons why the Lieutenant may be acting like this. Question 1 asked for specific actions to take to fully address the situation. Question 2 indicated that, the following week, without notice of any kind, Lieutenant Anderson does not report for his scheduled shift. It asked for actions that should now be taken.

The assessor noted that the appellant missed the opportunities in question 2 to notify human resources/personnel officer/law department; assign a replacement officer to cover the Lieutenant's crew/shift; and to notify a union representative (to ensure due process). On appeal, the appellant argues that he notified management about the situation, notified the police department to go with him to check on Lieutenant Anderson, and offered help from doctors or "whatever we had our disposal."

In reply, as mentioned in the instructions to candidates, credit was not given for information which is implied or assumed, but was based on what the candidate actually said during his performance. In his presentation, the appellant stated, "At all times, I need to keep management up above us um, apprised of the situation, and tell them what's going on. Um, if we do go to the residence looking for him, I always bring either the guy ahead of me, the supervisor above me, or a police department with me so we have something secure. Um, it might be easier just to call a family member at that point to figure out where he's at or why he did not show up for work today." Management "up above us" is not the same as human resources or a personnel officer. Rather, it refers to a battalion fire chief or the fire chief. In addition, the appellant may have brought a police officer ("Department") with him to the Lieutenant's residence, or he may have brought a supervisor. He is not definitive on this. In any event, taking a police officer to the Lieutenant's residence is a different action than notifying the law department of the jurisdiction, which has attorneys.

Lastly, the assessor asked the appellant, "When you talk about him needing help, could you expand upon that?" The appellant responded, "Someone to talk to, um, whether it be a medical help to a doctor, whether it be um, I guess you call it a shrink or whoever else, offer him what you have available ah to help him out with

any situation he might have and find out what you can help him with.” This answer indicates that the appellant would offer for him to see a doctor, or possibly a psychiatrist, and for this action he received credit for recommending the Employee Advisory Service/Program (EAS/EAP). The EAS/EAP is a confidential service which is different from human resources or the personnel department. If the appellant meant to notify human resources or the personnel department, he should have mentioned this in his presentation. The appellant missed the actions noted by the assessor, and his score of 2 for this component is correct.

CONCLUSION

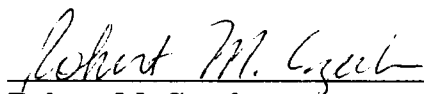
A thorough review of the appellant’s submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 21st DAY OF OCTOBER, 2015



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