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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Joseph Lang III, Fire  
Captain (PM1121S), Harrison

CSC Docket No. 2016-619

Examination Appeal

ISSUED: OCT 22 2015

(RE)

Joseph Lang III, represented by Brian Kincaid, Esq., appeals his score for the oral portion of the examination for the second level Fire Captain (PM1121S), Harrison. 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 2 for the technical component and a 4 for the oral communication component. For the Administration scenario, the appellant scored a 2 for the technical component and a 4 for the oral communication component. For the Arrival scenario, the appellant scored a 3 for the technical component and a 4 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 a report of fire in a 14-story office building, on a Tuesday at 12:30 PM. It is 94 degrees outside, with no wind. The candidate is the first arriving ladder company officer at the scene. The structure is 15 years old and of non-combustible construction. The building has 6 elevators and two sets of stairs. Upon arrival, no smoke is visible. The building manager states that he received a report of a fire in a toaster oven in the sixth floor kitchen, and the fire has spread. The Incident Commander (IC) assigns the candidate as the Division 6 supervisor, giving him his ladder company and two engine companies to start initial operations. Question 1 asked for initial actions to take, including the assignment of his resources. Question 2 contains an evolution of the scenario. It states that while the companies are performing their designated assignments on the sixth floor, a flashover occurs. The flashover causes a partial drop-ceiling collapse, trapping one of the firefighters. Question 2 asked for additional actions and requests at this time to address this situation.

The assessor noted that the appellant failed to attempt to contact the trapped firefighter, which was a mandatory response to question 2. He also noted that the appellant missed the opportunity to order horizontal ventilation (question 1) and to establish an operations post on the floor below the fire (question 1). On appeal, the appellant argues that he conducted a personnel accountability roll call (PAR), and called out and established "LUNAR," which is in an acronym for five items of information that should be included in a Mayday call, such as finding the location, unit, name, assignment and air supply, and resources needed. He also contends that he had an engine company establish operations on the floor beneath the fire for the standpipe.

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 a mandatory response to question 2 was to attempt to contact the trapped firefighter. For his response regarding LUNAR, the appellant was credited for calling for a Mayday, which was another mandatory response to question 2. 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. A review of the appellant's presentation indicates that he stated, "I would issue a Mayday, giving a full LUNAR report." After concluding his presentation, as the appellant had still not given the mandatory response, the assessor asked him to be more specific regarding getting the trapped firefighter's name, location and unit. The appellant indicated that he was following standard Mayday protocol, and providing the LUNAR information to command. He did not mention how he was receiving that information. If the appellant meant to say that he would contact the trapped firefighter, he should have mentioned this in his presentation.

As to establishing an operations post on the floor below the fire, the appellant ordered a supply to the FDC standpipe and hooked up to the standpipe on the fifth floor using the AB stairwell. He then stated that the other stairwell was the evacuation stairwell. He ordered Engine 2's crew to assist in the initial stretching of the large hoseline in the stairwell. They then established a backup line to hold the stairwell and ensure safety. There is no way to conclude that the appellant established an operations post on the floor below the fire based on this response.

The appellant missed the mandatory action, which was a mandatory response, and the other actions listed by the assessor. His score of 2 for this component will not be changed.

In the Administration scenario, a first-year fire fighter who graduated from the fire academy seven months ago has been assigned to the candidate's company since his first day of active duty. His performance was highly commendable when he first joined, but it has become questionable in the past month. For the first six months, he was energetic, outgoing and eager to learn new tasks, but recently he has become quiet and barely does the minimum required for the job. The candidate receives a letter from the firefighter stating he feels bullied and belittled by another crew member and a letter from him details dates, times, and specific occurrences. He fears the bullying will only get worse now that he has told a supervisor. The first question asked for actions to take the fully address the situation. The second question indicated that, ten days later, the candidate learns that the firefighter is considering filing a hostile work environment complaint against his bully. Question 2 asked what actions should now be taken.

The assessor noted that the appellant missed the opportunities to recommend EAS/EAP (question 1); to interview any other witnesses (question 1); and to consider recommending reassignment of the bully (question 1). On appeal, the appellant argues that he stated he spoke to the firefighter as to the bullying allegation about substance abuse or a family issue, and offered the officer help from a superior officer.

In reply, the SMEs indicated that a proper action to take in response to question 1 was to recommend EAS/EAP. The employee advisory service or program is a departmental service designed to help employees with personal, family or work related issues that may adversely impact their work performance. This is a voluntary confidential program where employees see professional counselors to help with such issues as anger management, depression, anxiety, critical incident stress, substance abuse, or grief. Employees who are referred to EAS complete an intake assessment with a counselor and then are scheduled for periodic appointments. In his response to question 2, the appellant said that he would have another meeting with the firefighter, and have his immediate supervisor sit in. The assessor asked the appellant to be more specific about looking for underlying issues, and the appellant responded, "Something outside of the firehouse, something outside of the work, work place, something going on with family history, something going on um, pending possible substance abuse or something that would lead to the other firefighter's behavior of ah, picking on Firefighter Hanson, and bullying him. And hopefully there would be something in his personnel record that would steer us towards that." The appellant did not recommend EAS/EAP. Informing his supervisor of the problem, and later of the potential complaint, are separate actions

for which the appellant received credit. The appellant was expected to recommend EAS/EAP, and did not do so. He missed the other actions as well, and his score of 2 for this component will not be changed.

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 21<sup>st</sup> DAY OF OCTOBER, 2015



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