

### STATE OF NEW JERSEY

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Joseph DeLorme, Fire Captain (PM1124S), Irvington

CSC Docket No. 2016-1331

Examination Appeal

ISSUED: DEC 2 1 2015

(RE)

Joseph DeLorme appeals his score for the oral portion of the examination for the second-level Fire Captain (PM1124S), Irvington. It is noted that the appellant passed the examination with a final average of 83.590 and ranked fourth on the resultant eligible list.

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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 3 for the technical component and a 5 for the oral communication component. For the Administration scenario, the appellant scored a 5 for the technical component and a 5 for the oral communication, 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 Arrival 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 a 15-year-old, non-combustible, 14-story office building. It is 12:30 PM on a Tuesday in July, the temperature is 94° F, and there is no wind. The candidate is the company officer of the first arriving ladder company and arrives with two engine companies and a Deputy Fire Chief (DFC). Upon arrival, no smoke is seen, and the building manager indicates that he has received a report indicating a fire started in a toaster oven in the kitchen on the sixth floor and has spread. The DFC assigns the candidate as Division 6 supervisor, and gives the candidate the ladder company and two engine companies to start initial operations. Question 1 asked for initial actions, including the assignment of resources. Question 2 contains the evolution. It indicates that as the companies are performing their designated assignments on the sixth floor, a flashover occurs causing a partial drop ceiling collapse which traps one of the firefighters. The question asked for additional actions and requests at this time to address the situation.

The assessor noted that the appellant failed to remove the trapped firefighter, which was a mandatory response to question 2. It was also noted that he missed the opportunity to request progress reports from all Division 6 teams, which was an additional response to question 2. The assessor applied the "flex" rule to assign a score of 3. On appeal, the appellant argues that he stated that he would request Personnel Accountability Reports (PARs) every 15 minutes, and progress reports from dispatch every 10 minutes.

Regarding the flex rule, 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). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the SMEs cannot provide a score higher than a 3 in those cases. 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.

In reply, after discussing span of control in his response to question 1, the appellant stated that he would request Personnel Accountability Reports (PARs) every 15 minutes, and progress reports from dispatch every 10 minutes. Nevertheless, in response to question 2, he did not request progress reports from all Division 6 teams after the ceiling had collapsed. The SMEs determined that this was an appropriate response given the evolution of the scene. More importantly, the appellant did not remove the trapped firefighter, which was a mandatory response. When there was about 1 minute left in the presentation and the appellant had not mentioned this, the assessor asked the appellant, "You mentioned searching, searches, in question 2. Can you be more specific?" The appellant responded that he would be conducting a surface area search and a void search of the collapse. He stated he would search under the collapsed ceiling. At this point, time had run out and the presentation concluded. The appellant failed to mention a mandatory response, and his score of 3 for the technical component is correct.

The Arrival scenario concerned the report of smoke coming from an apartment complex. It is 11:40 AM on a Monday in June, the temperature is 94° F, and there is wind blowing from the southwest to the northeast at 11 MPH. The candidate is the company officer of the first arriving engine company and is the highest ranking officer on-scene. The fire building is a 68-year-old, three-story building utilizing ordinary construction, with apartments on the second and third floors, and a buffet

style family restaurant on the first floor. The scenario indicates that, upon arrival, the candidate sees smoke and fire venting out of open third floor windows on side A. A resident indicates that he believes there is an illegal drug manufacturing lab in an apartment on the third floor, where the fire started. Question 1 asked for main concerns at the incident. Question 2 asked for specific actions to take to fully address the incident.

The assessor noted that the appellant failed to indicate that the location and extent of the fire was a concern of the incident, which was a mandatory response to question 1. It was also noted that he missed the opportunity to prepare for defensive operations, which was an additional response to question 2. The assessor applied the "flex" rule to assign a score of 3. On appeal, the appellant argues that he discussed multiple concerns involving the location and extent of the fire and its possibilities for extension, as well as indicated that fire was showing on division three, bravo side.

In response to question 1, the appellant stated his main concern was life safety, and he would address this by taking a series of actions. He then began stating those actions. Essentially, the appellant combined his responses to both questions, rather than explicitly stating what his concerns were, then stating how he would address the incident. Included in the response to the actions he would take was a description of the incident as given in the scenario. This included stating that that fire was showing on division three, bravo side. This statement was read from the scenario, and not expressed as a concern about the location and extent of the fire or an analysis of how the location and extent of the fire affected his attack plan. Instructions to candidates were to be as specific as possible in responding to the questions, and do not assume or take for granted that general actions will contribute to a score. Candidates were required to directly respond to each question clearly and directly. After giving some specific actions he would take, and interspersed with those actions, the appellant express concern regarding various circumstances in this scenario including a possible hazardous materials situation, exposures, and no auxiliary appliances. He mentioned extension problems, a collapse issue, and the common cockloft. He gave a few actions he would take for these issues, and mentioned aspects of the fire scene that were considerations. He did not mention that the location and extent of the fire was a concern, and credit cannot be given for information that is implied or assumed. He also did not prepare for defensive operations in response to question 2. As he missed a mandatory action, he cannot receive a score higher than 3 for this component.

### 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 16<sup>th</sup> DAY OF DECEMBER, 2015

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