

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 5 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 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 score for the technical component of the Arrival scenario. As a result, the appellant's test material, audiotape, and a listing of possible courses of action for the scenarios were reviewed.

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 mention the location and extent of fire, which was a mandatory response to question 1. It was also noted that he missed the opportunity to indicate there were no auxiliary appliances, which was an additional response to question 1. The assessor applied the "flex" rule to assign a score of 3. On appeal, the appellant argues that he stated that he confirmed there was fire showing from the third floor.

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 response to question 1, the appellant stated his main concerns including an illegal drug lab and possible hazmat on the third floor, the temperature and the wind, a rescue concern due to the large number of occupants, the roof and the construction, apparatus placement, topside ventilation, means of egress, and water supply. Then the appellant repeated question 2 and began answering it by saying, "Well, I'd pull up and I'd establish command, and I'd establish command on the AB corner. And I'd establish the accountability system using the tags off the rig. I'd perform a size-up and relay this information to dispatch and incoming units. Three-story, ordinary taxpayer, fire showing on the third floor, possible illegal, ah, drugs and hazmat on the third floor and ah, and I would ah, call for a hazmat team. I would call for an accountability officer. I would call for an incident safety officer to, ah, be a second set of eyes for, for the Chief, make sure that the, the building is safe and people are, or the responders are safe."

The appellant provided many actions in response to question 2. He included the action of describing the scene to dispatch, and received credit for transmitting an initial radio report to dispatch, which was an additional response to question 2. This response pertains to specific actions, and it cannot be assumed that the appellant was speaking about main concerns at this incident (question 1) as though interspersed with these actions (question 2). 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. The appellant continued with his specific actions in response to question 2 until time ran out, and did not return to responding to question 1. The appellant did not mention that the location and extent of the fire was a main concern at this incident, and he did not mention that there were no auxiliary appliances, an additional response to question 1. As he missed a mandatory action, he cannot receive a score higher than 3 for this component.

CONCLUSION

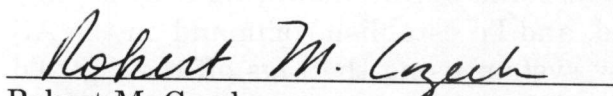
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 16th DAY OF DECEMBER, 2015



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