



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Thomas Culleney Jr.,
Fire Chief (PM1845T), Atlantic City

CSC Docket No. 2016-3209

Examination Appeal

ISSUED: **OCT 25 2016** (RE)

Thomas Culleney Jr. appeals his oral scores on the promotional examination for Fire Chief (PM1845T), Atlantic City. It is noted that the appellant received a final average of 88.410 and ranks third on the resultant eligible list.

An oral examination was developed for the title Fire Chief consisting of questions based on four scenarios. Each scenario was developed from a task or tasks that incumbents or supervisors of incumbents deemed important to job performance. Each question was designed to elicit responses that could be used to assess knowledge of these important areas, and candidate responses were then evaluated by trained assessors, each of whom is a Subject Matter Expert (SME) in the field of fire fighting. The assessors compared each candidate's performance to predetermined performance guidelines or possible courses of action (PCAs). The oral assessment exercises measured behaviors in the following knowledge areas: Supervision, Fire Department Administration, Finance - Budget Preparation, and Fireground Operations Management.

For each scenario, candidates were scored on two components, technical and oral communication. The scores for the technical component were assigned by the fire SME, and scores for the oral communication component were assigned by a staff representative trained in oral scoring. 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 ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil 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. The appellant received a score of 5 for all components except Fire Department Administration, for which he received a 2.

On appeal, the appellant challenges his score for the technical component of the Fire Department Administration scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

CONCLUSION

The Fire Department Administration scenario indicated that there have been numerous natural disasters and the Office of Emergency Management (OEM) has scheduled a mutual aid drill/scenario to take place in a couple of weeks. There is a newly elected mayor who is concerned about the level of preparedness of the Department, and he requests that the candidate examine the Department's role as a member of the city's emergency management team. The scenario asked candidates to respond to the questions based on the texts *Managing Fire and Emergency Services* and *The Fire Chief's Handbook*, and their experience. Question 1 asked candidates to identify the mitigation and preparedness phases required of the fire department prior to participation in the upcoming drill/scenario. Question 2 indicated that the mutual aid drill/scenario has been completed. Based on this new information, this question asked candidates to identify the response and recovery phases required of the fire department following its participation in the drill/scenario.

The assessors noted that the appellant missed the opportunities to identify fire mitigation measures that should be included in the community hazard mitigation plan (question 1); ensure all fire codes are regularly updated and strictly enforced (question 1); and become National Incident Management Systems (NIMS) compliant (question 1). On appeal, the appellant does not address the specific actions noted by the assessors. Rather, he provides the steps of a mitigation plan that he had given in his presentation.

In reply, the appellant states that he considered what would make the department National Fire Protection Association (NFPA) compliant, and that he said that one of his goals was to have the city and department NFPA compliant, and

argues that these responses imply that he would ensure that all fire codes are regularly updated and strictly enforced. Nevertheless, these are different actions. If the candidates do not verbalize what they mean, the candidates have not demonstrated knowledge. Credit is not given for information that is implied or assumed. If that were so, candidates could receive credit for everything based on general statements. This was a formal examination setting, and candidates were required to provide direct responses to specific questions. If the appellant knew the responses listed by the assessors were mitigation and preparedness phases required of the fire department, he needed to specify those in his presentation. The appellant did not directly answer the question. The question asked for mitigation and preparedness phases, and the appellant began by meeting with the mayor, and then performing an analysis of needs. This was superfluous information that was not a direct response to the question. When discussing an analysis that he would perform, the appellant stated in his presentation, "Also, what is the national standard of preparedness for these particular natural incidents is that I am looking into? And what would make us NFPA compliant? And also look into the fire reports of these incidents that have taken place." Asking what would make the department NFPA compliant is an evaluation of what codes are not being met, rather than a confirmation that all fire codes are regularly updated and strictly enforced. The appellant then established a committee that would research prior incidents, ensure fairness and consistency in changes made, and update standard operating procedures (SOPs). Establishing a committee is not a "mitigation and preparedness phase." The appellant then established objectives and goals for his committee, and a long-term goal was having an NFPA-compliant department and city. Again, this is a different response than ensuring all fire codes are regularly updated and strictly enforced.

On appeal, the appellant argues that he said that one of his goals was to "meet and exceed the national standard," and said that he would meet with a committee to move to the final goal of becoming NFPA compliant and within the national standard, and therefore, he should be credited with stating that they would become NIMS compliant. It is not known what the appellant meant by "national standard" but he stated this directly after referring to NFPA. He never mentioned NIMS, and these are completely different. NIMS is an approach for departments and agencies to work together to manage incidents, threats and hazards to reduce loss of life, property and harm to the environment. NFPA is an association with codes and standards intended to eliminate death, injury, property and economic loss due to fire, electrical and related hazards. In his presentation, asked what the national standards were, he did not identify NIMS at all. It is a complete non sequitur to conclude that the appellant's long-term goal of having a NFPA compliant department and meeting or exceeding national standards meant that he would have the department become NIMS compliant. The appellant missed the actions noted by the assessors, and his score for this component is correct.

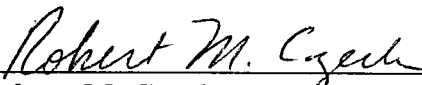
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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
THE 19th DAY OF OCTOBER, 2016



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