

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 the following scores for the technical component for each question, in order: 5, 2, 5 and 2. He received the following scores for the oral communication component for each question, in order: 4, 4, 4 and 4.

On appeal, the appellant challenges his score for the technical component of the Fireground Operations Management scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed. He also appeals the calculation of his seniority and the seniority score of another candidate. As the appellant received the maximum seniority score, 95.000, his appeal of this issue is moot.

CONCLUSION

The Fireground Operations Management scenario involved a response to a fire in a deli/market store. It is 11:35 PM on a night in January. The temperature is 35° F, precipitation is falling, and the wind is blowing from east to west at 10 miles per hour. The responding Deputy Fire Chief was involved in a serious accident enroute to the scene, and engine one remained at the accident scene. Another engine and the ladder truck responded to the fire building. The building is a four-story, mixed-use, brick and wood-joisted apartment building built in 1940, and measuring 270 feet by 80 feet. There are 40 apartments in the building, with several ground floor apartments, and access to the upper floors is through multiple wooden interior stairways. There is a common windowless basement extending the entire length of the building. Access to the basement is through each of the stairway entrances and by a sidewalk Bilco door adjacent to #112. The building has a FDC connection and the basement has sprinklers, but the sprinkler system is out of service due to vandalism. The candidate, who is the newly appointed Chief of the Department observes heavy fire and smoke from #114 and heavy smoke from #112 and #112A. The fire is also in the basement and the fire is rapidly extending into #112 and #112A. The Engine 2 officer reports that the fire is extending up the stairs in #112 and he has no water. Many of the occupants are at the windows on Sides A and C. The scenario asked candidates to respond to the questions based on the text *Fire Officer's Handbook of Tactics*, and their experience. Question 1 asked

for specific concerns at this incident scene. Question 2 asked for specific actions and assignments to make to mitigate the incident scene. Instructions to candidates were to be as specific as possible in responding to the questions, and not to assume or take for granted that general actions will contribute to their score.

The assessors noted that the appellant failed to assign a safety officer, which was a mandatory response to question 2. They also indicated that he missed the opportunities to provide shelter for evacuees (question 2); and to call for DPW for salt/sand (question 2). On appeal, the appellant states that he had called for a safety officer, and called for Red Cross and OEM for rehab and relocation of the evacuees.

In reply, 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.

A review of the appellant's performance indicates that he assigned a safety officer in response to question 2. This is the only mandatory response that the assessors said the appellant missed. Thus, as the appellant answered all mandatory responses, his score for this component should be a 3. Nevertheless, the appellant did not provide enough additional actions to warrant a higher score. For example, his response to question 1 was very brief. The appellant provided the three mandatory responses to question 1, but no additional responses. For question 2, the appellant provided very few additional responses. As to the additional responses listed by the assessors, the appellant stated, "I would also call for Red Cross and OEM because there's going to be relocation in this building before this is all done. We're going to have to relocate people." This response is not the same as providing shelter for the evacuees at 11:30 pm on a cold night in January. He also did not call DPW for salt/sand. In sum, the appellant's score for this component should be raised from 2 to 3, but his responses do not warrant a score of 4.

As to the seniority score of another candidate, the appellant argues that the seniority score for Scott Evans should be reduced by his leave to serve for elective office. In reply, *N.J.A.C. 4A:4-2.15(d)iii* states that, in calculating seniority for promotional examinations, in local service, leave without pay to fill elective office shall not be deducted from seniority. Official records indicate that Mr. Evans was the Mayor from November 21, 2007, and returned from leave on November 12, 2008. He served as Mayor while on leave after the previous Mayor resigned. *N.J.S.A. 40A:16-12* (Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy) states that if the incumbent whose office

has become vacant was not elected to office as the nominee of a political party, the governing body may, within 30 days of the occurrence of the vacancy, appoint a successor to fill the vacancy without regard to party. Without this provision, a local government would be without a Mayor until an election. While technically Mr. Evans was not elected, he was nominated and served in an elective position, as Mayor, until the next election. As such, he was on leave serving in an unclassified appointment as Mayor filling an elective office. Seniority will not be deducted from Mr. Evans for this leave.

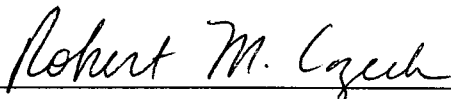
A thorough review of appellant's submissions and the test materials indicates that, except for the technical component of the Fireground Operations Management scenario, the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that the appellant's score for the technical component of the Fireground Operations Management scenario be increased from 2 to 3, and the remainder of 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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