

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving 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, firefighting 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, 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. Each performance was evaluated by two SMEs who currently are a first level supervisor or higher. If the SME scores differed by 1 point, the score was averaged. If they differed by more than 1 point, the SMEs were required to confer with each other until they agreed on a score. Scores were then converted to standardized scores.

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 scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 4 for the technical component, a 4.5 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. The appellant challenges his scores for the technical and supervision components of the evolving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involves a fire in a single-story, steel-frame building built in the early 1980s. The building is a Collision and Frame Straightening garage with three bays. It is 1:30 PM on a Monday in May and the temperature is 41° Fahrenheit with clear skies and a wind blowing from west to east at 7 miles per hour. Upon arrival, it is noticed that smoke is coming from garage bay doors on side A, and from the windows of the office area on sides A and D. Dispatch indicates that an employee says that a fire started in the reception area and quickly filled the area with smoke. He is unsure if all the employees and customers were

able to evacuate the building. The candidate is the commanding officer of the first arriving engine company and he establishes command. There were two technical questions. Question 1 asked for initial actions and specific orders at the incident upon arrival. Question 2 indicates that a drop-ceiling collapse occurs in the reception area and there is a report of a missing firefighter. The question asked what actions should now be taken, based on this new information. Question 3, the supervision question, indicates that, during fire operations, the nozzleman gets distracted and hits another firefighter with the hose stream, injuring him. This question asks what should be done at the scene and after returning to the firehouse. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

In regard to the technical component, the assessors noted that the appellant failed to do a "LUNAR," which was an additional response to question 2. On appeal, the appellant states that he took this action.

A review of the appellant's video and related examination materials indicates that, in response to question 1, the appellant stated, "I will obtain any information from the downed firefighter to his whereabouts. An urgent message will be over displayed or, um, an urgent message will be communicated over line, that we have a downed fireman." A LUNAR is an acronym used to help firefighters remember the important information that should be included in any Mayday call: L-Location; U-Unit; N-Name; A-Assignment and Air Supply; and R-Resources Needed. While the appellant may have obtained the firefighter's whereabouts or location, he did not request the additional information contained in this acronym. He missed the action noted by the assessors, and his score of 4 will not be changed.

In regard to the supervision component of the evolving scenario, the assessors noted that the appellant missed the opportunity to create and file an incident injury report. On appeal, the appellant states that he generated an incident report which he forwarded to his supervisor.

A review of the appellant's video and related examination materials indicates that the appellant stated, "As to question number three, I will identify the problem and correct it at the scene, making sure the injured firefighter was taken care of, taken to EMS, removed from danger, and documented and let my supervisor know." As noted above, credit was not given for information that was implied or assumed. The appellant took these actions on scene, and not back at the firehouse. The appellant's action of "documenting" on scene does not equate to filing an incident injury report. Candidates are scored on what they actually say during a presentation, not what they mean to say. Back at the firehouse, the appellant documented the meeting with the nozzleman, but did not include an incident injury

report for the other firefighter. The appellant missed the action noted by the assessors, and his score for this component will not be changed.

The appellant also appeals his seniority score, and indicates that his hiring date was November 2005. A review of the official records indicates that the appellant worked for Pleasantville from November 28, 2005 to March 26, 2007, when he resigned in good standing. He was then appointed from the eligible list (M2265E) to Firefighter in Atlantic City, on March 27, 2007. Seniority is based on the time from regular appointment date (to the eligible title) to the closing date of the announcement, minus the time spent in layoffs, leaves of absence without pay, plus the record of service less any suspensions. See *In the Matter of Thomas Gironda* (MSB, decided November 9, 1999). Seniority is calculated on *continuous* permanent service in the jurisdiction, and the appellant had a break in service when he resigned from one jurisdiction and was appointed from an eligible list for another jurisdiction. See *N.J.A.C. 4A:4-2.15(d)*. As such, the appellant's seniority was correctly calculated from March 27, 2007, when he was appointed to Firefighter.

CONCLUSION

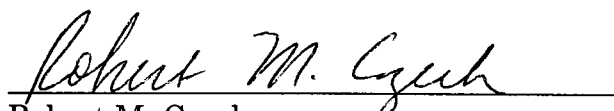
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 19th DAY OF OCTOBER, 2016



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