



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Stephen Duran Sr., Fire Captain  
(PM1100S), Atlantic City

Examination Appeal

CSC Docket No. 2016-2992

ISSUED: OCT 25 2016 (RE)

Stephen Duran Sr. appeals his score for the oral portion of the promotional examination for Fire Captain (PM1100S), Atlantic City. It is noted that the appellant passed the subject examination with a final score of 85.973 and his name appears as the 20<sup>th</sup> ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

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 3 for the technical component, a 3 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 4 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 call for a Personnel Accountability Report (PAR), which was a mandatory response to question 2, and he missed the opportunity to call for Haz-mat. They used the flex rule to assign a score of 3. On appeal, the appellant states that he called for a PAR.

Regarding the flex rule, 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.

A review of the appellant's video and related examination materials indicates that, in response to question 1, the appellant stated, "At this time fire is now under control. I'm gonna commence a secondary search. I'm gonna conduct my salvage operations, and overhaul operations. I'm also going to make sure they're using the thermal imaging camera to do so. They're going to monitor their, their CO levels, as well as, as well as I'll be conducting a PAR. I'll, then, fire is under control, I'll be transferring to command to the incoming commander with a face to face situational status report. That is my answer for question one." From this passage, it is clear that the appellant requested a PAR in response to question 1. Nevertheless, in question 2, there was a drop-ceiling collapse in the reception area, and candidates were expected to call for a PAR based on this information. In response to question

2, the appellant requested a Mayday and "LUNAR" message from the people involved. He activated the Rapid Intervention Team (RIT), and he took the firefighter that was missing after the drop-ceiling collapse to the EMS for treatment, triage and transportation. He did not call for a PAR to account for all of his firefighters after the collapse. He missed this mandatory response, and the other additional response listed by the assessors, and his score of 3 for the evolving component is correct.

In regard to the supervision component of the evolving scenario, the assessors noted that the appellant missed the opportunities to have the injured firefighter seen by EMS, and to keep the Chief informed of the investigation progress/outcome. On appeal, the appellant states that on multiple occasions he reported conditions to command.

A review of the appellant's video and related examination materials indicates that the actions that the appellant listed on appeal were in response to questions 1 and 2. On scene, the appellant did not deal with the firefighter who was injured from the hose stream by the distracted nozzleman, but he merely stopped the action. His remaining actions were taken back at the firehouse, and he did not keep the Chief informed of the investigation progress/outcome. His score of 3 for this component is correct.

### 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 19<sup>th</sup> DAY OF OCTOBER, 2016



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