



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Nelson Navas, Fire Captain  
(PM1111S), Elizabeth

Examination Appeal

CSC Docket No. 2016-2716

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

Nelson Navas appeals his score for the oral portion of the promotional examination for Fire Captain (PM1111S), Elizabeth. It is noted that the appellant passed the subject examination with a final score of 89.050 and his name appears as the 25<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 5 for the supervision component, and a 4.5 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 oral communication 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 report of a fire in a bakery, which is a single-story, wood-frame building with a wood truss roof built in the 1970s. It is 9:00 AM on a Sunday in September and the temperature is 72° Fahrenheit with clear skies and a wind blowing from west to east at 6 MPH. Upon arrival, it is noticed that smoke is coming from the front door on side A. The candidate is the commanding officer of the first arriving ladder company, is first on scene, and establishes command. Question 1 asked for specific actions to be taken upon arrival. Question 2 indicated that fire has reached the wood roof trusses, causing one to fail. This

question asked for actions that should now be taken based on this new information. 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.

For the technical component, the assessors indicated that the appellant failed to set up a collapse zone, after the truss failure in question 2. They also indicated that he missed the opportunity to protect the exposure on side D, which was an additional response to question 2. The assessors applied the flex rule to assign a score of 3. On appeal, the appellant argues that he requested additional engine companies to protect exposures B and D, and took the necessary steps to establish a collapse zone identifying the failing truss as a collapse hazard, cleared the air and provided notification via an urgent radio message, conducted a size-up, removed all members from the fire building, sounded evacuation tones, conducted a Personal Accountability Report (PAR), and set up defense operations.

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.

As noted above, credit could not be given for information that was implied or assumed. The appellant received credit in question 2 for evacuating crews from the fire building, requesting a PAR, and for setting up a defensive attack. These are separate actions from setting up a collapse zone, which was a mandatory response to question 2, and it cannot be assumed that the appellant set up collapse zone simply because he took these different actions. This was a formal presentation, and candidates were required to provide specific responses to the information in the scenario. The appellant never mentioned establishing a collapse zone during his presentation, so it is unknown if he knew to take this action. As such, he cannot receive credit for it.

Regarding protection of the exposure on side D, this was an additional response to question 2. Protecting the nearby exposure based on the roof collapse is a separate action from calling additional alarms for protecting the exposures from

fire, prior to the collapse. If the appellant knew he should protect the exposure on side D after the collapse, he needed to have articulated this action in order to receive credit for it. The appellant missed the actions listed by the assessors, including a mandatory response, and his score for the technical component is correct.

As to the oral communication component, the assessors noted a minor weakness in organization, as the appellant did not properly allocate time to adequately answer all questions. That is, he spent 8 minutes on question 1. On appeal, the appellant argues that question 1 required more attention based on the complexity of the scenario. He argues he received a score of 5 on the supervision component, which demonstrates that he was able to answer the question completely and accurately. He states that he finished a few seconds before the scenario ended, and had time to review his notes.

In reply, a factor in oral communication is organization, which is defined as presenting ideas in a logical fashion, stating a topic, and providing supporting arguments as well as a conclusion or summary. It is correct that the appellant spent the first 8 minutes on question 1 and the last 2 minutes on questions 2 and 3. Nevertheless, the appellant completed his responses to these two questions, taking a few moments at the end to review his notes, and there were no other errors in organization. That is, the appellant did not skip around or present information out of order. The appellant's manner of presentation did not detract from his responses, and a weakness in organization is not evident. As such, the appellant's score for this component should be raised from 4.5 to 5.

## CONCLUSION

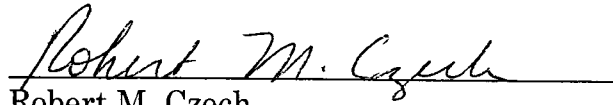
A thorough review of the appellant's submissions and the test materials indicates that, except for the oral communication component of the evolving scenario, the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

## ORDER

Therefore, it is ordered that this appeal be granted in part, and the appellant's score for the oral communication component of the evolving scenario be raised from 4.5 to 5.

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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