



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Omar Manning, Fire Officer 1  
(PM1194S), Jersey City

CSC Docket No. 2016-3128

Examination Appeal

ISSUED: OCT 25 2016 (RE)

Omar Manning appeals his score for the oral portion of the promotional examination for Fire Officer 1 (PM1194S), Jersey City. It is noted that the appellant passed the subject examination with a final score of 86.930 and his name appears as the 74<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 Officer 1 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 firefighters 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 5 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. The appellant challenges his score for the technical component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The arriving scenario involved a report of a fire in a two-story, wood frame constructed house built in the early 1920s. It is 10:30 AM on Thursday in October, 55° F, with cloudy skies and a wind blowing from west to east at 5 miles per hour. Upon arrival, it is noticed that smoke is coming from the first floor windows on the side A. Dispatch indicates that the caller is in a second floor bedroom, and who stated that he awoke to smoke in the stairs and called 911. The candidate is the commanding officer of the first arriving engine company. The technical question asked for specific actions that should be taken upon arrival. 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 give an initial radio report to dispatch, which was a mandatory response. They also indicated that he missed the opportunity to perform a detailed size up. The assessors applied the flex rule to assign a score of 3. On appeal, the appellant provides a series of actions which he stated that he conducted in chronological order, which included a radio report and a detailed size up.

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 the appellant received credit for establishing command, which was another mandatory response. This is a separate action from performing a detailed size up, and it cannot be assumed that the appellant did so simply because he established command. This was a formal presentation, and candidates were required to provide specific responses to the information in the scenario. The appellant started his presentation by saying, "For question one, what are my initial actions? First and foremost as the company officer, I would establish command at 1216 Starlight Street. I have, I will set up the command post on the Alpha side and Bravo side and try to get two or three sides of the structure. Also, I will notify the delayed chief and I will also notify the incoming units where the command post is located. Also at this time I will have the apparatus placement. I will do engine one to give me a primary water supply. Engine two will give me a secondary water supply." As noted in the instructions, credit is not given for information that is implied or assumed. At this point, the appellant had not given an initial radio report to dispatch or performed a detailed size-up.

The appellant gave more orders to companies before he stated, "Also, at this time, I realize I have a two and a, a two-story wood frame, 1920s balloon frame

construction. I understand that the fire spread in the open interior stairwells, pipe chases, cocklofts and any hidden voids. Also, I realize this could collapse, lean to or inward outward." While some of this is a description of the fire scene, it is not expressed as a size-up, and was not given to dispatch. Rather, the appellant is describing what he "realizes" about the scene. Additionally, a description of the building is not enough information to be considered a size-up. After performing primary and secondary searches, and extinguishing the fire, the appellant provides dispatch with a progress report. This is not an initial radio report. The appellant missed the mandatory response listed by the assessors, as well as the additional action, and his score of 3 for this component is correct.

### CONCLUSION

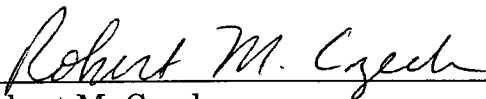
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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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