



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Carmine Rizzi, Fire Officer 1
(PM1194S), Jersey City

Examination Appeal

CSC D ocket No. 2016-2776

ISSUED: OCT 25 2016

(RE)

Carmine Rizzi 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 91.100 and his name appears as the 20th 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 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 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 4 for the oral communication component. The appellant challenges his score for the technical component 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 involved a report of a fire in a one-story, ordinary construction building consisting of a bakery, Laundromat, convenience store, and liquor store. It is 6:00 AM on a Sunday in September and the temperature is 72° Fahrenheit with clear skies, and a wind blowing from east to west at 5 MPH. Upon arrival, it is noticed that smoke is coming from the Laundromat on side A. A bystander said she noticed smoke coming from the closed Laundromat and called 911. The candidate is the commanding officer of the first arriving ladder company and he establishes command. There were two technical questions. Question 1

asked for specific actions that should be taken upon arrival. Question 2 indicates that, during the incident, the parapet wall on side A partially collapses. The question asked what actions 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.

In regard to the technical component, the assessors noted that the appellant failed to order an evacuation of the building or sound evacuation tones, which was a mandatory response to question 2. They used the flex rule to assign a score of 3. On appeal, the appellant states that he believed the partial collapse was not catastrophic and only on the exterior. He argues that page 264 of *Collapse of Burning Buildings*, 2nd ed., by Vincent Dunn states that a chief may order withdrawal of firefighters from a portion of a building when a collapse danger is reported, so that they may continue fighting fire in a safe location in the building. He states that he evacuated the front the building, but kept units inside, where they were safe from falling debris. The appellant argues that the scenario was not specific regarding the partial collapse and the situation did not warrant an evacuation.

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 stated he would have an orderly withdrawal from the front of the building and stretched additional lines. He indicated that firefighters would be working away from the collapse zones or inside the building, away from the front of the building. The appellant clearly stated that he would continue interior operations. The appellant argues that *Dunn* states that a chief may order withdrawal of firefighters from a portion of a building when a collapse danger is reported, but that they may continue fighting fire in a safe location in the building. He failed to add that *Dunn* continues to say that this practice can be followed only when the construction of the building is known in detail, and the partial collapse

will not cause the entire structure to fail. For example, firefighters can be withdrawn to the safety of a stairway enclosed by masonry walls during a ceiling collapse, and this can be done safely in building sections separated by firewalls with separate roofs and floors. Neither of those examples was the case in this scenario, and the scenario did not indicate that it was known that the partial collapse would not cause the entire structure to fail. *Dunn* goes on to say that an IC may direct complete withdrawal of fire fighters when a serious structural defect is reported. Clearly, the SMEs determined that the situation was serious enough to warrant an evacuation and the setup of a collapse zone. The partial collapse could block egress from the building as well. The appellant took defensive actions, such as ordering a tower ladder and ordering all master streams and members to be working in flanking positions. He set up a collapse zone, but he evacuated only the exposures, and left firefighters inside the building. His response was not the same as that listed by the assessor, which was a mandatory response, and his arguments that the conditions were sufficiently safe so as to make an evacuation unnecessary are unpersuasive. The appellant's score for this component will not be changed.

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



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Carmine Rizzi
Michael Johnson
Records Center

