



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Branhder Espinal, Fire Captain  
(PM1136S), Paterson

Examination Appeal

CSC Docket No. 2016-2637

ISSUED: OCT 25 2016 (RE)

Branhder Espinal appeals his score for the oral portion of the promotional examination for Fire Captain (PM1136S), Paterson. It is noted that the appellant passed the subject examination with a final score of 89.610 and his name appears as the 23<sup>rd</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 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 scores for the technical components of the evolving and arriving scenarios. 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 ensure that all exposures were evacuated, which was an additional response to question 1. The assessors applied the flex rule to assign a score of 3. On appeal, the appellant argues that he evacuated the structure and ordered a defensive attack with multiple ladders. He also states that he protected exposures with water streams.

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, and for setting up a defensive attack. These are separate actions from setting up the collapse zone, which was a mandatory response to question 2, and it cannot be assumed that the appellant set up a 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 the evacuation of exposures, this was an additional response to question 1. Protecting the exposures with hose streams is a separate action from evacuating them. If the appellant knew he should set up a collapse zone and evacuate exposures, he needed to have articulated those actions in order to receive credit for them. The appellant missed the actions listed by the assessors, including a mandatory response, and his score for the technical component is correct.

The arriving scenario involves a fire in a two-story, wood-frame townhouse built in the early 1980s. The townhouse is one of four connected units, with exposures B and D as similar townhouses. It is a 9:30 AM on a Monday in September and the temperature is 61° Fahrenheit 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 and second floor windows on side A. Dispatch reports the caller is an occupant in the second floor bedroom who awoke to smoke coming up the stairs and was forced back into his bedroom. He is at home with two other roommates. The candidate is the commanding officer of the first arriving engine company and is first on scene. The technical question, question 1, asked for specific actions to be taken upon arrival. Again, 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 perform a primary search for any other victims, which was a mandatory response to question 1. They also indicated that he missed the opportunity to use a thermal imaging camera (TIC) to check for victims and/or hot spots (extension). On appeal, the appellant states that he ordered ladder 1 to perform search and rescue, and ordered ladder 2 to conduct a secondary search. Additionally, he states that each member had a TIC as part of their personal protective equipment (PPE), and it would be counterproductive for him to micromanage the team's specific use of their tools. The use of the TIC would be assured by team members operating in the structure, not the incident commander (IC).

In reply, the appellant received credit in question 1 for rescuing the victims in the second floor bedroom, and for performing a secondary search of the house (Ladder 2). However, he did not indicate that he would perform a primary search for any other victims, which was a mandatory response. The appellant's orders to ladders 1 and 2 address the known victims, and a secondary search. But these responses simply are not a primary search for other victims. Also, having a TIC as part of the PPE is not the same as using it. The SMEs decided the scoring criteria, and they disagree with the appellant's reasoning. They determined that using the TIC to check for victims and/or hot spots (extension) was an appropriate action to take at this scene. The appellant did not mention this, nor did he state that the team or members with the TIC would use them to check for victims and/or hot spots. As such, it appears as though he was not concerned with checking for victims and/or hot spots. The appellant missed the actions noted by the assessor, including a mandatory response, and his score of 3 for this component is correct.

CONCLUSION

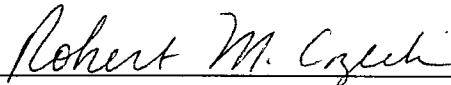
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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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