



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Jonathan Krehel, Fire Captain
(PM1136S), Paterson

Examination Appeal

CSC Docket No. 2016-2715

ISSUED: OCT 25 2016

(RE)

Jonathan Krehel 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 89.120 and his name appears as the 27th 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 3.5 for the supervision component, and a 3.5 for the oral communication component. The appellant challenges his scores for the technical and oral communication components of the evolving scenario, and for the supervision and oral communication components of the arriving 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 setup a collapse zone after the truss failure, which was a mandatory response to question 2. They also indicated that he missed the opportunity to call for another alarm after the truss failure, which was an additional response to question 2. They used the "flex" rule to assign a score of 3. On appeal, the appellant argues that he recognized the danger to fire fighters and removed them to a safe area, he evacuated the structure by sounding an evacuation tone, and he ordered a Personnel Accountability Report (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 performance and examination materials indicates that he received credit for ordering an evacuation of the crews and sounding an evacuation tone, which was another mandatory response to question 2. He also received credit for requesting a PAR after an evacuation, which was an additional response to question 2. Both of these actions are separate and different from setting up a collapse zone, which the appellant did not do. As this was a mandatory response, the appellant's score cannot be higher than a 3 for the technical component of the evolving scenario.

As to the oral communication component, the assessors indicated that the appellant's presentation had a weakness in organization, as his presentation showed disorganization and was not presented in a logical fashion. On appeal, the appellant argues that this was the subjective comment, and that he had an organized layout of the materials in front of him which he referred to. He also

states that he added information that he felt he overlooked, and added information after reviewing his notes.

In reply, the assessors found that the appellant's presentation had a weakness in organization. A weakness in organization is defined as failing to present ideas in a logical fashion, to state a topic, and to provide supporting arguments as well as a conclusion or summary. A holistic view of the appellant's presentation indicates that his presentation was in a logical fashion. The appellant answered each question in order. After completing his responses to all three questions, he reviewed his notes and provided some additional information to question 1. He did not repeat many actions already given, but expounded upon his search and provided additional actions. His presentation did not have a weakness in organization, and his score for the oral communication component for the evolving scenario should be raised from 4.5 to 5.

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 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. The supervision question indicated that, after the incident, a rookie firefighter tells you he observed a veteran firefighter being careless with the tools at the incident. He noticed that a veteran firefighter was not properly using them and did not return them to their proper place on the apparatus. This question asked for actions to take to address the rookie firefighter's concerns. 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 supervision component, the assessors noted that the appellant missed the opportunities to document any actions taken, and to review the rookie firefighter's training records. On appeal, the appellant states that he stated he would investigate the firefighter's files.

In response to the supervision question, the appellant stated, "Question number 2, in regards to my rookie firefighter bringing to my attention improper use of tools and placement on the apparatus, I would acknowledge the firefighter, firefighter's concerns and address them immediately on scene having the equipment placed back

in proper service. Upon returning to the firehouse, I would investigate the firefighter's files, see if there's been any past disciplinary action and speak with any of his previous supervisors. I would call a meeting, and set this individual at ease and let them know that they are entitled to appeal and union representation. I would explain to them and ah review the SO, proper SOGs on tool use and placement on the apparatus. I would notify them that there would be a verbal and a written disciplinary action. I will keep my supervisors advised including and up to the chief of the department. I would coach this individual and the rest of my company and retrain them on proper tool use and review departmental SOGs, on how to use, how to use the equipment properly. And I would continuously check on this firefighter to make sure that they are continuing the um proper use of tools in the future and review things if necessary with them, and just to make sure everything is, is going in a positive direction. I would also want to hear their side of the story to know why they were improperly using the tool and the reason for its misplacement back on the apparatus. That concludes my answer to question number two."

A review of this response indicates that the appellant did not document the actions he would be taking as a result of the interview with the veteran firefighter. Additionally, there were two firefighters involved in the supervision question, the rookie firefighter reporting to him an observation, and the veteran firefighter who had been careless with the tools. In his presentation, the appellant spoke of "the firefighter" without an indication of which one he was referring to. And one point in time, the appellant switches pronouns, and begins to refer to the firefighter as "them" and "they." This would have given the impression that he was speaking to both firefighters except that he had already referred to "this individual." The individual he was referring to was not identified, except near the end of his response when he indicated that it was the one that had been careless with tools at the incident. Thus, upon returning to the firehouse, the appellant was investigating the veteran firefighter's files, and reviewing his history, not the rookie firefighter's training records. His score for this component will not be changed.

In regard to the oral communication component, the assessors noted that the appellant did not provide his responses in a logical fashion with detailed supporting arguments. For example, he jumped around and repeated previous actions. They also indicated a weakness in specificity, for example, he provided minimal information regarding ventilation. On appeal, the appellant argues that he added information that he thought he overlooked, and he added information after reviewing his files. He states that if he repeated actions, it was to ensure that pertinent information was not missed. Also, he argues that he said his search crews would ventilate as they searched, and that his technical score was a 5, which can only mean that his ventilation was satisfactory.

In reply, first, in regard to the difference in scoring of both components for these scenarios, the components measured in the oral examination are viewed as independent and are scored accordingly. Behaviors can be attributed to each component which are sufficiently distinguishable to warrant a unique score. Thus, candidates can completely answer the questions for the technical component, while exhibiting negative behaviors or weaknesses in the oral communication component. Or, candidates can fail to properly answer the questions for the technical component, while exhibiting no weaknesses in the oral communication component. As such, an independent score can be assigned for the technical and oral communication components within a performance. Thus, a candidate's behavior on one component cannot be used to score his behavior on another component, and is not reflective of a score for another component.

A review of the performance and related examination materials reveals that the appellant's presentations had the weaknesses listed by the assessor. One factor in oral communication is specificity, and a weakness in specificity is a response that is general or lacking the detail necessary to fully address PCAs. The appellant's presentation clearly had a weakness in specificity, as his response to question 3 clearly indicates this. He refers to a firefighter without being specific as to which one it was, and he calls one individual "they" and "them." It is not until the end of the response to question 3 that the appellant indicates he is talking about the firefighter who was improperly using the tool and who misplaced it on the apparatus. Without that information, the appellant could have been referring to the rookie firefighter, and this lack of specificity would have affected his technical score.

The assessors used the example of ventilation, as one of the PCAs was to perform horizontal ventilation. As the appellant provided all the mandatory responses and numerous additional PCAs, there were no comments for his technical score. That does not mean that the appellant was credited for every PCA. The appellant said he would order the ladder company to ventilate and do a systematic search, and he said "vent, enter, search," but as these responses were not specific, the appellant did not receive credit for them. Again, credit cannot be given for information that is applied or assumed. It is unknown if the appellant was ventilating the structure horizontally or vertically, and it cannot be assumed that the appellant had ordered horizontal ventilation simply because that is typically how it is done.

As to organization, the appellant generally preceded with sequential actions, but he took some actions out of order, such as ordering firefighters to activate their PASS devices after ordering them to stretch the hose line to the fire and to perform a search. However, it was more distracting that the appellant made frequent pauses to collect his thoughts and review his notes. The appellant paused twice for 9 seconds, once for 13 seconds, once for 8 seconds, once for 6 seconds, and once for

19 seconds. This does not include the 8 second pause near the end of the presentation after the appellant stated he would like to review his notes, or the 9 second pause before the appellant concluded the presentation. The presentation showed the weaknesses listed by the assessor, and 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, 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 the score for the oral communication component of the evolving scenario be raised from 4.5 to 5 and the remainder of the 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



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