



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
David Nijm, Fire Captain  
(PM1136S), Paterson

Examination Appeal

CSC Docket No. 2016-2581

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

David Nijm 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 88.360 and his name appears as the 30<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 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 5 for the technical component, a 3 for the supervision component, and a 5 for the oral communication component. The appellant challenges his score for the supervision 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 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 opportunity to inspect the tools/apparatus used at the incident. On appeal, the appellant states that he answered the question with supporting details, and should have received a higher score as the question did not ask candidates to address and inspect the tools and apparatus used at the incident.

In reply, the appellant is not indicating that he took the action noted by the assessors; rather, he believes that this action was not necessary. The SMEs, who established the scoring criteria, determined that it was. The appellant's justification, that the scenario is not about the tools or apparatus, is unpersuasive. The supervisor should inspect the tools and apparatus as verification of the rookie's observation. Additionally, the assessor notes are not reflective of every missed opportunity, and the appellant missed other actions as well. For example, he also did not interview other crew members, or review standard operating procedures on the proper use and maintenance of the tools. Thus, he took no action to verify a rookie's opinion prior to telling the veteran that he was a bad example. At one point, the appellant stated, "I would let him know that the chief would be notified of this situation, the progress, the lack of progress, the insubordination, the lack of insubordination. Hopefully that wouldn't come, that wouldn't happen. So I will make sure that doesn't happen because we work together." The question asked for actions to take to address the rookie firefighter's concerns, and it was expected that the candidate would keep the chief informed of the investigation or progress of the outcome. But it is threatening to the subordinate to tell him at this point that you would inform the chief of insubordination or lack of progress. The appellant's performance was properly scored as a minimally acceptable passing response, and his 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 19<sup>th</sup> DAY OF OCTOBER, 2016



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