



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Leonardo Perez, Fire Captain  
(PM1136S), Paterson

CSC Docket No. 2016-2664

Examination Appeal

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

Leonardo Perez 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 84.550 and his name appears as the 36<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 2 for the technical component, a 4 for the supervision component, and a 3.5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 4 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical and oral communication components of the evolving scenario, and the oral communication 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 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 perform a detailed size-up, which was a mandatory response to question 1, and he did not set up a collapse zone after the truss failure, a mandatory response to question 2. They also indicated that he missed the opportunity to establish a safety officer, which was an additional response to question 1. On appeal, the appellant argues that he explained his size-up in great detail, giving building type and occupancy, extent and location of the fire, life hazards, and exposures. He states that he expressed these, as well as building construction, through his actions and tactics. He gives other actions he took as well. He argues that it is unfair and challenging to ask candidates to answer three questions in 10 minutes with broad responses.

As noted above, credit could not be given for information that was implied or assumed. A review of the appellant's presentation indicates that he began his presentation by stating, "In reference to question number one, the, the actions I would take upon my arrival as the incident commander is to ensure I'd read pre-incident information concerning the given address, and to conduct a ah, 360 ah, risk assessment and a ah, fire survival survey and evaluation of the conditions found upon my arrival. Ah, I want to know things, as the building type, the extent and location of the fire, ah, any reported visible, ah reported or visible life hazards, other exposures in the area, ah water supply availability, such as hydrants, and a need to augment any fire department connections, um, um, in reference to the, to the, the ah, to the building type." The appellant then began giving his orders to companies.

In this passage, the appellant indicated the things he would like to know, which were various size-up factors. However, the appellant did not articulate that he was performing a size-up. This was a formal examination setting, and candidates were required to provide direct answers to the questions. The question did not ask what the size-up factors were or which ones were pertinent to this scenario. Instead, it asked for specific actions to be taken. The candidate should take the information provided in the scenario and evaluate the information to identify the pertinent size-up factors. The appellant's academic method of providing information was not a direct response to the question. An Incident Commander (IC) would not state that he was interested in the building type, the location and extent of the fire, or reported life hazards. That information was provided in this scenario, and the candidate should identify that this was a wood-frame building with a wood truss roof, with smoke coming from the front door on side A, and no reported occupants.

As such, a review of the presentation confirms that the appellant failed to perform a detailed size-up, which was a mandatory response to question 1. All candidates were given the same questions and the same amount of time to answer them and the better candidates were able to properly answer all three questions in the allotted amount of time. The appellant missed the actions listed by the assessors, including two mandatory responses, and his score for the technical component is correct.

As to the oral communication component, the assessors indicated that the appellant's presentation was not in a logical fashion, that he did not provide detailed arguments for the actions taken, and that he lacked specificity on some actions, for example, his size-up was only a general statement without detail. On appeal, the appellant provides no argument to support his appeal, except to say that he disagrees with the comments provided.

In reply, the assessors found that the appellant's presentation had weaknesses in specificity and organization. A weakness in specificity is defined as giving general responses that lack the detail necessary to fully address the PCAs. 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. Candidates were required to focus their responses on the scenario and the question. That is, they were required to respond to the questions given the information provided. A holistic view of the appellant's presentation indicates that he gave general responses. For example, the appellant stated, "I would assign, um, or rather I would give a brief description of the conditions found to, to dispatch and all responding units." The appellant was given that information in the scenario, but chose not to state it in his presentation. The appellant mentioned building construction, but he did so in the context of stating that it was his primary concern as it might collapse.

The appellant stated that he was taking an offensive attack and that it appeared to be a content fire, so he would position the apparatus in front of the structure to gain maximum scrub area and to possibly use the master stream to knock down any heavy body of fire. This is an example of lack of specificity. While the appellant wants to make an offensive attack at a content fire, he mentions the use of master streams. Question 1 asked for initial actions to take, and in response, candidates were not expected to also take actions pertaining to the evolution of the scenario in question 2. In another example, the appellant stated that he would have his crews horizontally ventilate the windows on sides A and D, "taking the wind direction into consideration." The wind direction was given in the scenario, west to east at 5 MPH. Applying this information in the scenario, the better candidate realizes that wind direction has no bearing on horizontal ventilation, as it is blowing from side B, which has only one small window which the appellant did not indicate he would

ventilate at the time he was taking wind direction into consideration. Additionally, the appellant states that he would order the second engine company to vent the side C windows and force open the side C doors. A review of the diagram of the bakery indicates that there are no doors and windows on side C. The appellant mentioned that he would have streams directed to the cockloft area where the steel trusses are located, while the scenario indicated that the building had wood trusses. The appellant provided generalized statements rather than tailoring his responses to the question and information given. Thus, his presentation contained a weakness in specificity.

As to organization, the appellant's actions were not presented in a logical order. He had his engine companies do pre-overhaul for the ladder companies, enter the structure, fight the fire in the kitchen, and save important documents in the office, and then he said they would secure a water supply and advance a 2½ inch line through the front door. He indicated they would vent delta side windows, of which there are none indicated on the diagram, and then he would vent any bravo windows, of which there is one small one, in order to create a cross draft to relieve heat and smoke. He repeated information already given, such as directing a stream into the cockloft area. The appellant began responding to the third question after the 2-minute warning, and was stopped prior to completing his response. The appellant's presentation had the weaknesses in oral communication as noted by the assessors, and his score for this component will not be changed.

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. 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 oral communication component, the assessors noted that the appellant's presentations lacked detail, and he did not present his actions in a logical fashion with detailed supporting arguments. For example, he made general statements regarding a detailed size-up and stretching a back-up line to first-line, and the assessors indicated that simply putting in a second line is not a backup line. On appeal, the appellant argues that his score of 5 on the technical component

should justify a score of 5 on the oral communication component. He states that his size-up evaluation was given in the same format as the evolving scenario and expressed in his actions, which were obviously understood. He also states that a second handline is an obvious backup line.

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 video and related examination materials reveals that the appellant's presentations had the weakness listed by the assessor. The orientation guide that was available to each candidate indicated that oral communication, the ability to communicate clearly and concisely, was a component of this portion of the exam. This is measured by various factors, including specificity. In this scenario, the appellant established command and a command post, and then stated, "The size-up concerns that I would be looking for would be the building type and occupancy, extent and location of the fire any visible and reported life hazards, any exposures, ah, in the area, water supply availability and the need to augment any fire department connections, and any other special concerns." Thus, the appellant's response for the arriving scenario was almost the same as that for the evolving scenario. For the arriving scenario, the appellant did not indicate a list of things he would like to know, but a list of size-up concerns. However, again, he did not detail his size-up. As this was an additional response to question 1, rather than a mandatory response, this did not result in a lower score for the technical component. The scenario did not indicate any fire department connections, and the appellant did not state what other special concerns about the scenario that he would include in his size-up. He did not state what the type of occupancy was or the type of building construction at the outset.

The appellant ordered a handline into the house to protect the stairway and get a line between the fire and the occupants. Then he said that, prior to protecting the stairway, this line would go to the kitchen to extinguish the fire. He sent in a second line after the first, but did not indicate that it was a backup line. Instead, he had the second engine company advance a 1¼ inch handline up the stairs to get the

line between the occupants and the fire. A second handline is not an "obvious" backup line, as that line can be advanced anywhere in the structure, and credit is not given for information that is implied or assumed. The appellant made other generalized statements, such as, in reference to the second engine company, "They're going to work in coordination with the ladder company. They're going to locate, confine and extinguish all fire. They're going to protect the primary means of egress. They're going to vent, enter and search under the protection of the handline and off the handline." The diagram indicated that the fire was in the kitchen on the first floor on side B, the staircase was on side D, and the occupants were on the second floor. The passage above is not specific to details of the scenario, but is a listing of general objectives for engine and ladder companies. The appellant's presentation had a weakness in specificity, and his score for the oral component is correct.

### CONCLUSION

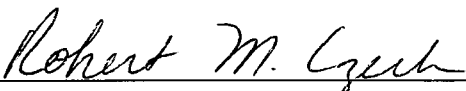
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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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