

B-15



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Eric Pearson,
Battalion Fire Chief (PM1507T),
Roselle

Examination Appeal

CSC Docket No. 2017-1334

ISSUED: MAR 24 2017 (RE)

Eric Pearson appeals his score on the examination for Battalion Fire Chief (PM1507T), Roselle. It is noted that the appellant passed the examination with a final average of 79.870 and ranked fourth on the eligible list.

This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of 70 multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios; a Supervision, Administration and Incident Command scenario. All candidates received the same multiple-choice exam, but differing versions of the oral exercises were given based on the day the oral exam was administered. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the oral portion, candidates had 60 minutes to prepare for all three scenarios and had 10 minutes per scenario to present their response. For all three oral exercises, the candidate was to assume the role of a Battalion Fire Chief. Candidates were scored based on the content of their response (technical) and the how well they presented their response (oral communication). Both of these dimensions were scored on a scale of 1 to 5 with 1 being the lowest rating and 5 being the highest rating.

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral

communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. As part of the scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An SME also noted any weaknesses that detracted from the candidates overall oral communication ability. The SME then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

For the technical and oral communication components of the Supervision, Administration and Incident Command scenarios, the appellant received scores of 4, 4, 3 and 5, 5, 5, respectively.

The appellant challenges his scores for the technical components of each scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenarios were reviewed.

The Supervision scenario concerned two subordinates of a newly appointed Battalion Fire Chief. Captain Clark and Captain Zuniga have been having trouble working together and differ on many points about how duties should be divided among the companies, such as how and when the station should be cleaned and what groceries should be brought in and by whom. These problems seem trivial, but they have started the spill over into other areas of work. For example, they fail to coordinate training sessions when both companies should be training together, and there have been disagreements at emergency scenes. The candidate has spoken to both of them informally about the need to get along, but now the situation is out of control. The candidate walks into a lunchroom where they are in a shouting match in front of several fire fighters. Captain Zuniga calls Captain Clark a very strong expletive and Captain Clark retaliates by calling Captain Zuniga a racial slur. The scenario asked candidates to answer the questions based on the text *Managing Fire*

and *Emergency Services* and their experience. Question 1 asked for specific actions to be taken now and in the future. Question 2 indicated that, after preliminary actions, relations have not improved between the two fire captains. In fact, it seems that the situation is worse because now there are problems between the members of their respective fire companies. Question 2 asked for specific actions that should now be taken based on this new information.

For the Supervision scenario, the SME indicated that the appellant missed the opportunity to interview the Battalion Fire Chief formerly assigned to tour number 4. On appeal, the appellant states that he indicated he would communicate with the Fire Chief, and review personnel files.

In reply, reviewing personnel files is a separate action than that listed by the SME, and the appellant received credit for reviewing personnel files in response to question 1. In response to question 2, and appellant received credit for keeping the Fire Chief informed of all actions taken. A review of the appellant's video and related examination material indicates that he did not interview the Battalion Fire Chief formerly assigned to tour number 4. The majority of the appellant's response was generic in nature, and his actions lacked specifics. For example, he stated he would meet with "all involved," rather than naming the individuals. Candidates are not given credit for information that is implied or assumed. In fact, instructions to candidates, which are read after the questions, state, "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." If the appellant meant to interview the Battalion Fire Chief formerly assigned to tour number 4, he needed to have articulated this action. It is unknown if the appellant would take an action that he does not state that he would take, and he certainly cannot receive credit for actions that he does not state. The appellant's score for this component is correct.

The Administration scenario indicated that the department responded to a fire that was believed to be a one-story, abandoned warehouse. However, upon arrival, it was discovered that the warehouse had recently been converted into a childcare center. While there were no major injuries, the Incident Commander's strategy and tactics were severely affected by the change of use and occupancy. The Fire Chief has called the newly appointed Battalion Fire Chief into his office to discuss the situation, and tasked him with investigating the incident and to revise the department's current pre-fire plan procedure. The scenario asked candidates to answer the questions based on the text *The Fire Chief's Handbook* and their experience. Question 1 asked for specific steps to be taken to investigate the incident and the lack of an updated pre-fire plan. Question 2 asked which should be included in a pre-fire plan standard operating guideline/procedure (SOG/SOP).

For the Administration scenario, the SME indicated that the appellant missed the opportunity to interview the Incident Commander (IC) present on scene. On appeal,

the appellant argues that he met with his supervisor, the Fire Chief, and stated that he met with the crew and “all involved.”

In reply, in response to question 1, the appellant spent a significant amount of time on the current aspects of the building in order to develop a new pre-plan. The appellant met with the Fire Chief to review the pre-plan, and stated, “I’m going to call for a walkthrough of the occupancy. I’m going to review with the crew of the information and that we will be doing a walkthrough pre-plan in the afternoon. We’re gonna get discovery on the occupancy.” There is no way that this can be interpreted to mean that the appellant interviewed the IC present on the scene at a recent fire at this building. The appellant is mistaken, as he did not state the action listed by the SME. His score for this component will not be changed.

The Incident Command scenario involved a report of a fire at a local paint store. It is 2:00 PM on a sunny afternoon in April, 55 degrees Fahrenheit, and the wind is blowing from west to east at five miles per hour. The fire building is a one-story, lightweight wood-frame constructed taxpayer with a truss roof measuring 150 feet by 75 feet. The paint store measures 20 feet by 75 feet. The side B exposure is a glass and mirror store, while the side D exposure is a liquor store. Upon arrival, the candidate sees fire and smoke emanating from side A of the paint store. An employee states that the fire spread quickly throughout the store and he believes some customers and employees may not have escaped. The scenario asked candidates to answer the questions based on the text *Fire Officer’s Handbook of Tactics* and their experience. Question 1 asked for specific actions to be taken upon arriving at the scene. Question 2 indicated that, during overhaul, the roof collapses over the paint store trapping several fire fighters. Question 2 asked for specific actions that should now be taken based on this new information.

For the Incident Command scenario, the SME indicated that the appellant failed to attempt to contact the trapped firefighters (question 2), which was a mandatory response. He also indicated that the appellant missed the opportunity to sound evacuation tones (in question 2 after the collapse). He used the “flex rule” to assign a score of 3. On appeal, the appellant argues that he stated he would locate, package and extricate the downed firefighters and send them for medical attention. He states that he did a “LUNAR”¹ and would have contacted the downed firefighters that way. He also argues that he called for 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

¹ A LUNAR is an acronym used to help firefighters remember the important information that should be included in any Mayday call: L-Location; U-Unit; N-Name; A-Assignment and Air Supply; and R-Resources Needed.

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. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include all 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 5.

For the Incident Command scenario, a review of the appellant's video and related examination materials indicates that the appellant failed to attempt contact the trapped firefighters in response to question 2. Instead, the appellant said, "For lost victims, I will acknowledge that there is a Mayday. I will secure a radio frequency for them. Do a PAR, roll call. I'll find locations, units, names, air remaining, resources needed. Rescue units will be dispatched to locate, extricate, package lost firefighters and victims." While the appellant collected information, he did not say that he would do so by contacting the trapped firefighters. The appellant's argument on appeal only assumes that he had done so by contacting the trapped firefighters. He never said so in his presentation. In fact, he had rescue units locate them. For evacuation, the appellant stated, "I would make sure evacuation is done." This does not indicate that he sounded evacuation tones, as he does not indicate how he would make sure an evacuation is done. The appellant missed the actions listed by the SME, and his score for this component will not be changed.

CONCLUSION

A thorough review of 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 22nd DAY OF MARCH, 2017



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