

B-38



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

In the Matter of
Daniel Gonzalez, Fire Captain
(PM0054R), Camden

CSC Docket No. 2014-2964

ISSUED: SEP 18 2014

(RE)

Daniel Gonzalez appeals his score for the oral portion of the promotional examination for Fire Captain (PM0054R), Camden. It is noted that the appellant passed the subject examination with a final score of 88.570 and his name appears as the 15th 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 fire fighters 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, fire fighting 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 4 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 4 for the supervision component, and a 5 for the oral communication component.

The appellant challenges his scores for the supervision component of the evolving scenario. As a result, the appellant's test material, audiotape, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involves a fire in a two-story, wood-frame taxpayer built in the early 1950s. The first floor is a convenience store and the second floor is an occupied apartment. It is a 5:30 PM on a Friday in July and the temperature is 76° Fahrenheit with overcast skies and a wind blowing from west to east at 10 miles per hour. Upon arrival, it is noticed that smoke is coming from the convenience store on side A. The owner of the convenience store says that a fire started in the rear of the store and quickly spread, filling the store with smoke. He also says that a stock boy

was in the rear of the store and is unaccounted for, and he is unsure if anyone is in the upstairs apartment. The candidate is the commanding officer of the first arriving ladder company and he establishes command. The supervision question indicates that, when arriving on the scene with the engine company, the engine driver positions his apparatus in front of the building. The candidate's ladder driver then gets into an argument with the engine driver, saying the ladder apparatus should always be allowed to position in front of the involved building. This question asks what should be done at the scene and after returning to the firehouse to address the situation. 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 remind his driver to remain professional because of any bystanders/public perception. On appeal, the appellant states that on scene he stopped them from arguing and ordered them to place their apparatus in the right location. Back at quarters, he stated that he told them that their actions were not tolerated in the fire service or on the fireground.

A review of the appellant's audiotape and related examination materials indicates that he received credit for separating the drivers and informing the captain of the engine that the front of the building should be reserved for the truck companies. Telling the drivers that their actions are not tolerated in the fire service or on the fireground is a general statement, and lacks the specifics of reminding them to remain professional because of any bystanders or public perception. Credit cannot be given for information that is implied or assumed, and this was indicated in the instructions to candidates. If the appellant meant to say to the drivers that they should remain professional in order not to influence bystanders and create bias against the fire department, then telling them that their behavior was not tolerated is an inadequate instruction. It tells them that their behavior was wrong, but it fails to tell them the expected behavior, professionalism, and the reason why. The appellant missed the action noted by the assessors and his score of 4 for this component will not be changed.

CONCLUSION

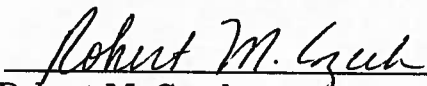
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 17th DAY OF SEPTEMBER, 2014


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