

B-19



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of James Coponi,  
Fire Captain (PM1102S), Belleville

CSC Docket No. 2016-813

Examination Appeal

ISSUED: **OCT 22 2015** (RE)

James Coponi appeals his score for the oral portion of the examination for the second level Fire Captain (PM1102S), Belleville. It is noted that the appellant passed the examination with a final average of 85.610 and ranked second on the resultant eligible list.

It is noted for the record that this two-part examination consisted of a written multiple-choice test and an oral examination. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: written multiple choice portion, 34.91%; technical score for the Evolving Scenario, 27.11%; oral communication score for the Evolving Scenario, 1.75%; technical score for the Administration of Procedures Scenario, 10.75%; oral communication score for the Administration of Procedures Scenario, 2.5%; technical score for the Arrival Scenario, 21.23%; and oral communication score for the Arrival Scenario, 1.75%.

The oral portion of the second level Fire Captain examination consisted of three scenarios: a fire scenario simulation with questions designed to measure the ability to assess risk factors and strategies involved in fireground command (Evolving); a simulation designed to measure the ability to implement a program and the factors/problems associated with program administration (Administration); and a fire scenario simulation designed to measure the risk factors and strategies associated with an incident that could potentially involve a hazardous material (Arrival). For the Evolving and Administration scenarios, candidates were provided with a 25-minute preparation period for both, and candidates had 10 minutes to

respond to each. For the Arrival 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 in the technical component for some scenarios, 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.

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 scenarios, and for oral communication, the requirements for each score were defined. For the Evolving scenario, the appellant scored a 5 for the technical component and a 4 for the oral communication component. For the Administration scenario, the appellant scored a 4 for the technical component and a 4 for the oral communication component. For the Arrival scenario, the appellant scored a 3 for the technical component and a 5 for the oral communication component.

The appellant challenges his score for the technical component of the Arrival scenario. As a result, the appellant's test material, audiotape, and a listing of possible courses of action for the scenarios were reviewed.

The Arrival scenario concerned a notification of an activated fire alarm at an apartment complex. It is 12:40 AM on a Thursday in May, the temperature is 56° F, and there is no wind. The apartments are on the second, third and fourth floors of a 30-year-old, four-story building of non-combustible construction. The first floor contains many individual commercial spaces. The candidate is the company officer of the first arriving engine and the highest ranking officer on-scene. Upon arrival, the candidate sees smoke venting from the third floor open windows on side D. A resident who lives on the second floor indicates that the property manager is currently installing new carpets in the hallways of the second, third and fourth floors. He states that there are carpeting, paint, solvents, adhesives, and cleaning agents being stored on all three floors. Question 1 asked for the main concerns at this incident. Question 2 asked for specific actions to take to fully address the incident.

The assessor noted that the appellant failed to mention the location and extent of fire, which was a mandatory response to question 1. It was also noted that he missed the opportunity to indicate there were no auxiliary appliances, which was an additional response to question 1. The assessor applied the "flex" rule to assign a score of 3. On appeal, the appellant argues that he stated that he confirmed there was fire and smoke showing from the third floor, he struck a second alarm, and mentioned a concern of early morning hours.

Regarding the flex rule, it is noted that certain responses to the situation presented in the scenario are mandatory. That is, 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.

In response to question 1, the appellant stated his main concerns including life safety, time of exposure of fire, the steel bar roof, the morning, and the hazardous materials. He segued into answering question 2 with, "In the meantime, our initial response, ah, I'm ah, first due engine company officer. I'm gonna have to set up a command post." He then responded with actions he would take in response to question 2. The appellant received credit for being concerned with the time of day, which was an additional response to question 1.

The appellant provided many actions in response to question 2. He included the action of calling for an additional alarm, which was a mandatory response to question 2. The appellant stated, "I wanna again make sure I get a full view of everything that is going on, where this fire is located, possibly, ah, it says third floor. Ah, so I'm going to notify other incoming units. My first due engine company is going to establish a water supply. We're going to drive past the building, get three sided view of the building with the first due engine company. At this point, I'm going to establish a primary water source. My second due engine company I'm going to ask to establish secondary water source since I have smoke already showing. At this time I do want to strike a second alarm. I'll tell dispatch strike a second alarm, this time we have a confirmed fire smoke showing from third floor, esp... you know, time of the, early morning hours, second alarm on the way. I want to establish, I want to get my rapid intervention crews in place, as my first and

second due engine companies are going to go in to attack this fire.” This response pertains to specific actions, and it cannot be assumed that the appellant was speaking about main concerns at this incident as though interspersed with these actions. Instructions to candidates were to be as specific as possible in responding to the questions, and do not assume or take for granted that general actions will contribute to a score. Candidates were required to directly respond to each question clearly and directly. The appellant continued with his specific actions in response to question 2 until time ran out, and did not return to responding to question 1. The appellant did not mention that the location and extent of the fire was a main concern at this incident, and he cannot receive a score higher than 3 for this component.

### CONCLUSION

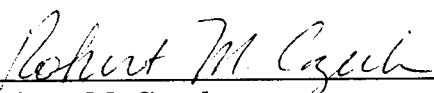
A thorough review of the appellant’s submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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 ON  
THE 21<sup>st</sup> DAY OF OCTOBER, 2015

  
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