

B-96



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Scott Duprex, Fire Captain
(PM1101S), Bayonne

Examination Appeal

CSC Docket No. 2016-2686

ISSUED: **NOV 16 2016** (RE)

Scott Duprex appeals his score for the oral portion of the promotional examination for Fire Captain (PM1101S), Bayonne. It is noted that the appellant passed the subject examination with a final score of 90.490 and his name appears as the 26th 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 3 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 5 for the supervision component, and a 5 for the oral communication component. The appellant challenges his score for the technical component of the evolving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved a fire in a pet store in the middle of a four-store strip mall of lightweight, steel-joist construction built in the 1980s. It is 7:30 AM on a Tuesday in February and the temperature is 33° Fahrenheit with clear skies and a wind blowing from east to west at 8 miles per hour. Upon arrival, it is noticed that smoke is coming from the side A windows of the pet store. The candidate is the commanding officer of the first arriving ladder company and he establishes command. There were two technical questions. Question 1 asked for specific actions to be taken upon arrival. Question 2 indicates that, during the incident the

candidate notices smoke inside of the furniture store on side B. The question asked what actions should now be taken, based on this new information. The supervision question indicates that during the overhaul, the candidate observes his crew laughing and using inappropriate language while overhauling the pet store. The pet store owner is now on the scene and observes this and complains to the candidate. This question asks what should be done at the scene and after returning to the firehouse. 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 technical component, the assessors noted that, although the appellant placed a 2½ inch line in exposure side B, the furniture store, in response to question 1, he removed that line, evacuated the building, and went from offensive mode to defensive mode. As such, he failed to maintain a hoseline in the furniture store, which was a mandatory response to question 2. They used the flex rule to assign a score of 3. On appeal, the appellant states that he chose a defensive mode after an aggressive offensive attack, as primary and secondary searches were both negative, civilian life hazard was nonexistent, and this would protect members from a collapse of the roof, parapet wall, or adjoining bearing wall. The appellant argues that undertaking aggressive tactics without a civilian life hazard in a fire in a commercial building is unnecessary and unsafe. He maintains that, according to *Fire Officers Handbook of Tactics*, 4th ed., by John Norman, a viable option is to use master streams on fires in strip malls. *Norman* also states that too many fire fighters die needlessly in buildings where there is little or no civilian life hazard, and fires in commercial buildings are four times more deadly to fire fighters than residential fires. Further, this text indicates that an advanced fire in a commercial building requires large hand lines or a master stream, and firefighters should be prepared to supply them. Also, *Norman* states that when the steel beam heats, it will expand and push the parapet wall over the show windows to collapse. *Norman* indicates that this type of building has a lack of fireproofing.

The appellant states that *Brannigan's Building Construction for the Fire Service*, 5th Ed., by Francis Brannigan and Glenn Corbett states that safe locations for cooling the steel should be preselected, and personnel should not be endangered by being placed in the collapse zone, but should operate from a safe location. Also, this text states that substantial elongation of a steel beam occurs at 1000° F, which is easily attained at any structure fire. The inundation can push out masonry walls causing roof or wall collapse, and can lose its strength. The appellant states that the smoke in the B exposure indicated that the situation was getting worse and initial tactics were not controlling the fire. As such, the appellant believed there was direct flame impingement on the steel I-beam and a collapse was imminent. As such, he argues that an evacuation was necessary, as there could be a collapse in as little as 5 minutes of the parapet wall or the roof. As life safety was paramount, the

appellant did not want members in and out of the stores. According to *Collapse of Burning Buildings*, by Vincent Dunn, these joists can fail in five to ten minutes.

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 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.

A review of the appellant's video and related examination materials indicates that he thoroughly responded to question 1. However, SMEs determined that the candidate should remain on the offensive in response to the evolution of the scenario in question 2. They did not agree that a defensive mode was justified based solely on the fact that smoke was observed inside the furniture store on side B. As such, they determined that a mandatory response to this information was to stretch a hoseline to the furniture store, and stretch a backup line into that store. In his response to question 1, the appellant stretched a line into exposure B and monitored for extension. In response to the additional information provided in question 2, the appellant stated that smoke in exposure B might involve extension of fire into the truss and he will be performing a defensive operation. He evacuated all personnel from the building, called for personnel accountability report (PAR), and took other actions that under the assumption that there would be a collapse, including setting up a collapse zone and master streams. The appellant's justification for these actions is unpersuasive, as smoke was in the furniture store, but fire was not present there and the appellant's response was an overreaction to the stimulus provided. The SMEs did not consider that the presence of smoke in exposure B was a collapse indicator, and they expected the candidate to stretch a hose line into exposure B. As the appellant had already done so, in response to the initial question, it was expected that he would keep this hoseline in the store, and stretch a backup line to the furniture store. Instead, with just the presence of smoke, the appellant set up a collapse zone and a master stream. Thus, the appellant missed the mandatory action of maintaining a hoseline in the furniture store, as he did not respond correctly to the evolution of the scene. 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 10th DAY OF NOVEMBER, 2016



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