



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Tyrone Brown, Fire Lieutenant
(PM1168S), Irvington

Examination Appeal

CSC Docket No. 2016-2874

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

Tyrone Brown appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1168S), Irvington. It is noted that the appellant passed the subject examination with a final score of 79.660 and his name appears as the 18th 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 Lieutenant 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 3 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 2 for the supervision component, and a 4 for the oral communication component. The appellant challenges his score for the oral communication component of the evolving scenario, and the supervision component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

In regard to the oral communication component, the assessors noted a weakness in confidence. For example, he stated, "Maybe I need a second alarm if necessary." On appeal, the appellant states that the second alarm may not have been needed based on the circumstances, not on his lack of confidence.

In reply, demonstrating confidence and certainty about one's position is one of the criteria used in the evaluation of oral communication. This is observable by the

use of pauses to reorganize, through demeanor, and by word usage, such as the use of words “will,” “must” or “can,” instead of “might,” “possibly” or “could.” The appellant exhibited a lack of confidence on several occasions. In his presentation, the appellant started his presentation by stating, “Alright, upon getting there, we’re going to make sure that everybody has PPE, SCBA, handlights, portable radios, PASS alarms activated, and forcible entry tools where needed. Alright, if there’s a pre-fire plan, I want to review that upon arrival. Upon arrival, I want to adhere to all traffic laws, um, my mind, I’m thinking, the type of building, ah, maybe I need a second alarm if necessary. Ah, safety officer I’m going to have on the scene. We’re gonna get the utility companies on the scene to cut the water, electric and gas.” In this passage, the appellant is not definitive on whether or not he’s going to request the second alarm based on his size-up factor evaluation. An Incident Commander (IC) should be able to determine from the circumstances given in the scenario if he needs to call for a second alarm, and the appellant did not do so.

In another example, the appellant said, “Engine companies should bring, engine companies and ladder company search crews should bring in thermal imaging cameras just in case they need it for, to check for life and fire extension.” The search and rescue crews should bring the thermal imaging cameras, because they *will be* checking for life and fire extension. To state that that they need it “just in case” implies that there could be no possible life hazard or fire extension. Stated differently, it implies that the thermal imaging camera is optional, not mandatory. When giving actions and orders to his companies, the appellant paused often, and made notations on his notes before giving one order at a time. He stated, “The truck company...,” then he lifted the diagram and studied it for 10 seconds before continuing with, “the truck company should ah, make their way to the roof, vertical ventilation, close to the fire as possible. Make some ... inspection cuts.” The appellant’s delivery of information lacked certainty regarding his position. He paused often to study the materials in front of him. The appellant changed his mind, when he stated, “I might want to back up and say inch and three quarter line. They should bring in a two and half inch line on this structure.” The appellant’s oral communication had at least a weakness in confidence.

The arriving scenario involved a report of fire in a 1.5-story, wood-frame constructed house built in the 1930s. It is 5:30 PM on a Saturday in July, 88° F, with cloudy skies and a wind blowing from west to east at 6 miles per hour. The candidate is the commanding officer of the first arriving engine company and the first officer on scene. Upon arrival, the candidate notices smoke coming from a first floor door and window on side A. Dispatch states that the caller is an occupant who is trapped in a first floor bedroom. The caller said she was cooking dinner when she fell asleep, and woke to the house filled with smoke. The technical question asked for specific actions to be taken upon arrival. The supervision question indicated that the candidate orders a crew to secure the gas utility to the house, and notices a

firefighter having trouble and taking a long time trying to shut the gas off. There do not appear to be any problems with the shut off or equipment. This question asks for actions to be taken 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.

For the supervision component, the assessors indicated that the appellant missed the opportunities to review any Standard Operating Procedures (SOPs) on shutting off the gas; to keep the chief informed; and to document any actions taken. On appeal, the appellant argues that he demonstrated the proper way for the gas to be shut off, both on scene and in training.

In reply, the appellant received credit in the supervision component for providing the necessary training. The appellant is arguing that the other actions noted by the assessors are implied based on his demonstration and training. Nevertheless, as the instructions noted, credit is not given for information that is implied or assumed. Assessors are only concerned with what candidates actually state. Implications cannot be scored. The appellant did not take the actions noted by the assessors and his score for this 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 10th DAY OF NOVEMBER, 2016

A handwritten signature in cursive script, reading "Robert M. Czech", is written over a horizontal line.

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