



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Victor Smith, Fire Lieutenant
(PM1182S), Plainfield

Examination Appeal

CSC Docket No. 2016-2895

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

Victor Smith, represented by Howard Vex, Esq., appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1182S), Plainfield. It is noted that the appellant passed the subject examination with a final average of 81.000 and ranks 12th 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 1 for the supervision component, and a 2 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 3 for the oral communication component. The appellant challenges his scores for the technical and supervision components 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.

The evolving scenario involves a fire in a Chinese restaurant, which is the second store in a row of five in a single-story building with brick walls and steel-bar joist construction built in the early 1960s. It is 8:00 PM on a Friday in June, and the temperature is 78° Fahrenheit with clear skies and a wind blowing from west to east at 5 miles per hour. Upon arrival, it is noticed that smoke is coming from the front door on side A. Dispatch states the caller was a customer picking up take-out food when they were overcome with smoke and left the building. The caller is

unsure if employees managed to escape, and it is unknown if the automatic hood suppression system has been activated. The candidate is the commanding officer of the first arriving ladder company. There were two technical questions. Question 1 asked for specific actions to be taken upon arrival. Question 2 indicates that, while searching the meat store (exposure D), a firefighter knocks over several overstuffed displays and becomes trapped. He issues a Mayday. The question asked for actions that should be taken based on this new information. 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 the appellant failed to order an engine company to secure a water supply, which was a mandatory response to question 1, to rescue/remove the trapped firefighter, which was a mandatory response to question 2, and he missed the opportunity to have the firefighter activate his PASS device in question 2. On appeal, the appellant states that he deployed the Rapid Intervention Team (RIT).

In reply, in question 2, the appellant received credit for deploying the RIT, which was another mandatory response to that question. This was a formal examination setting, and candidates were required to verbalize their actions in order to receive credit. As noted in the instructions, credit is not given for information that is implied or assumed. It cannot be assumed that the appellant removed the trapped firefighter because he deployed the RIT. These are separate actions, and the appellant did not rescue and remove the trapped firefighter. The appellant missed two mandatory responses to this scenario, as well as the additional action, and his score for this component will not be changed.

For the supervision component, the assessors indicated that the appellant missed the opportunities to review training records, document any actions taken, visit the store to investigate/validate the complaint, and review any SOPs on search procedures. On appeal, the appellant argues that he called for an investigation unit, scheduled training, and pulled the trapped firefighter's records.

In reply, the appellant received credit for providing any necessary firefighter training, which was a separate action from those listed by the assessors. A review of the presentation indicates that the appellant requested an investigation unit in response to questions 1 and 2, prior to the supervision issue. He did not say why he was requesting an investigation unit, which could have been called to find the cause of the fire. In any event, calling for an investigation unit does not convey the knowledge that the Fire Lieutenant would want to visit the store to investigate and validate the complaint. In fact, it delegates the Fire Lieutenant's duties to another unit, if that unit does, in fact, visit the store for that reason. The appellant began

responding to the supervision question well after the two-minute warning and his response to this question was very brief. For this question, the appellant scheduled a meeting with the trapped firefighter, scheduled training for him, and pulled his records. This is the sum of the appellant's response to this question, and it was a much less than acceptable response. The appellant did not specifically review the firefighter's training records. He missed the actions noted by the assessors and his score for this component is correct.

The arriving scenario involves the report of smoke in a single-story, wood frame constructed house with brick veneer built in the 1950s. It is 10:30 AM on a Thursday in September, 68° F, with partly cloudy skies and a wind blowing from west to east at 5 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 the open garage door on side A. Dispatch states that the caller is a neighbor who saw smoke coming from an open garage door, and says that an elderly man lives in the house and is confined to a bedroom. All appliances in this house are fueled by natural gas, and sides B and D face similar houses 20 feet away. The rear yard is not accessible. The technical question asked for specific actions to be taken upon arrival. The supervision question indicated that, during the incident, the candidate observes that one of his firefighters does not have his assigned radio. This question asks for actions to be taken now 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 applicable SOPs/SOGs, document any action taken, and monitor the firefighter's progress. On appeal, the appellant argues that he called for progress reports.

In reply, the appellant called for progress reports in response to question 1. Calling for a progress report is clearly an incident management function during a fire scene. The assessor notes referred to monitoring the firefighter's progress regarding possession of his assigned radio, which is an entirely different action. The appellant's reasoning, that he monitored the actions on the fire scene, is simply immaterial to the assessors' notes, and unrelated to supervision of the firefighter without the radio. The appellant's score of 2 for this component is correct.

CONCLUSION

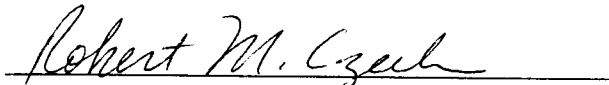
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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


Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Victor Smith
Howard Vex, Esq.
Michael Johnson
Records Center

