



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Angelo Tedesco, Fire Lieutenant
(PM1147S), West Orange

Examination Appeal

CSC Docket No. 2016-2958

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

Angelo Tedesco appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1147S), West Orange. It is noted that the appellant failed the subject examination.

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 3 for the technical component, a 1.5 for the supervision component, and a 2 for the oral communication component. The appellant's arguments are nebulous, and he did not state what it was that he was actually appealing. He is clearly disgruntled that he did not receive a score due to failing. Based on his arguments, it appears as though he appeals the technical and oral communication components of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

Regarding a failing score, the appellant states that Civil Service documents did not indicate that he would not receive a final score if he did not receive a 2.5 or better on the oral examination. In reply, every candidate that reviewed their examination had an opportunity to peruse their Candidate Feedback Report. This report gave the six component scores for the oral communication component. Candidates were informed that they needed to have an average score of 2.5 or above

for the technical and supervision components, and a 2.5 for the oral communication component, in order to have passed the examination. These were passing points. The appellant achieved a 1.88 for the technical and supervision components, and a 2 for the oral communication component, and thus he failed the examination. *N.J.A.C. 4A:4-2.15(b)* requires that candidates who do not receive a passing score on one part of an examination shall be deemed to have failed the entire examination and those candidates shall not receive credit for seniority. As the appellant did not pass the oral examination, he does not receive a final score.

The arriving scenario involved a report of a fire in a single-story townhouse built in the 1980s. The involved townhouse is the end unit of five connected units. It is 9:30 AM on a Wednesday in May, with a temperature of 74° F, sunny skies, and no wind. The candidate is the commanding officer of the first arriving engine company and is the first officer on scene. Upon arrival, the candidate notices smoke coming from the front door and windows on side A. Dispatch reports an elderly occupant in the rear bedroom. The technical question asked for specific actions to be taken upon arrival. 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 technical component, the assessors indicated that the appellant failed to perform a detailed size-up, which was a mandatory response to question 1. They also indicated that he missed the opportunities to give an initial radio report, and to perform forcible entry on side A. They used the "flex rule" to assign a score of 3. On appeal, the appellant argues that he "was marked off for size-up, radio communications and incidents command. All of these issues are stated in the instructions from Civil Service to have happened in general instructions 1-4."

In reply, this was a formal examination setting, and candidates were required to provide technical information regarding planning strategies and tactics based upon a building's structure and condition (arriving). General instructions given to all candidates provided response levels, apparatus staffing, first arriving fire unit functions, and Incident Commander initial functions. The Incident Commander initial functions included assuming incident command, setting up a command post, performing size-up and communicating an initial size-up report to dispatch and incoming units, and directing fire ground operations. The scenario indicated that the candidate was the commanding officer of the first arriving engine company and the first officer on scene. As such, the candidate was expected to perform the Incident Commander initial functions. Simply because overall initial functions were listed in the general instructions does not mean that the candidate can ignore them. It cannot be known if the candidate would take these actions if he did not verbalize them during his presentation. The appellant received credit for assuming command, which was in this list of initial functions. He also provided first arriving

unit functions, which was also in the general instructions. The appellant's argument that he did not have to provide initial functions because they were listed in the test background information is unconvincing. Rather, he did not respond appropriately, which is reflected in his score, as he missed a mandatory response. A review of the appellant's performance indicates that he did not take the actions listed by the assessors, and his score for this component is correct.

As to the oral communication component, the assessors noted weaknesses in organization and confidence. They indicated that a weakness in the organization was evidenced through the appellant's conflicting assignments to the truck company. Truck 1 was assigned to the RIC¹ (Rapid Intervention Crew) team, and truck 2 crews were split to ladder and vent while still serving as the RIC team. The Truck 1 crew was split to search and perform utility control, then truck 2 finds a victim in the rear and brings him to the front. In addition, the appellant went from question number 1 to question number 2 and then back to question number 1 without any indication of which question he was answering. As to confidence, the assessors indicated that the appellant did not display confidence that he was the Incident Commander as evidenced by his repeated talking in the third person.

On appeal, the appellant argues that "If the evaluator is really a subject matter expert then when I talked about Truck two personnel performing outside functions which in [sic] implied doing RIT function on any scene. I did not specifically state RIT but it does not mean the function was not done. I was marked off for not maintaining Incident Command. It did not state in the scenario that I maintain Incident Command. I was the Engine officer or Truck officer. With that being said when the Incident Commander arrives he or she takes over those functions." The appellant also indicates that there was a short time to answer the questions, and, "if properly administered as on an actual fire scene that checklist is followed," referring to a variety of functions listed in a text, *Collapse of Burning Buildings*, by Vincent Dunn.

In reply, a weakness in organization is defined as failing to present ideas in a logical fashion, or to state a topic, provide supporting arguments, and provide a summary or conclusion. The candidate gives actions out of order and does not indicate he is returning to a topic or a question. A review of the appellant's presentation indicates that the appellant stated, "Truck 2 will be able to ladder side B of the building for secondary means of egress and vent the windows on side B while still performing their duties as a RIT team." This is simply incorrect. The RIT should not be performing actions such as laddering and venting, but should be on standby to rescue a firefighter. If something should occur to one of the members while they are laddering and venting, there would be no immediate rescue available

¹ A RIC is also referred to as a RIT (Rapid Intervention Team).

as remaining RIT members would be otherwise occupied, and the RIT would be down a man. Additionally, the appellant stated that Truck 1 that would be the RIT, staged on side A. After giving orders to Engine members, the appellant stated that "Truck 1, when they arrive on scene, would split into two. Two members will go, will do a search of 45 Concord, to find possibility of a victim on side D, side C/D of the building. The other two members of the truck company will be in charge of finding utilities and shutting off the water, gas and electricity to 45 Concord." Essentially, with the members of both truck companies assigned duties, there was no RIT. The appellant then indicated that Truck 2 found the victim and removed him from the rear of the building. The appellant argues that "I did not specifically state RIT but it does not mean the function was not done." In a formal examination setting, if a candidate that does not verbalize his actions, it cannot be assumed that he knew to take those actions. As stated in the instructions, credit is not given for information that is implied are assumed. Nevertheless, the appellant's presentation had a weakness in organization as he assigned two truck companies to be the RIT, then assigned them additional duties. Further, the appellant did not indicate that he was answering question 2, the supervision question, but simply incorporated his actions to that question in his response to question 1. Also, all candidates were given the same amount of time to respond, and the appellant finished his response with two minutes to spare.

Next, a weakness in confidence is defined as a failure to demonstrate confidence and certainty about one's position. The scenario indicates that the candidate is the commanding officer of the first arriving engine company and is the first officer on scene. As such, he is the Incident Commander. Nowhere does the scenario indicate that a senior officer arrived to relieve him of this command. The appellant referred to himself in the third person. For example, he stated, "The Incident Commander at that time tells the officer of engine 3 to relieve those two firefighters with his crew and address the victim from 45 Concord to the EMS." From this point on, the appellant refers to himself, the Incident Commander, in the third person. He also refers to the commander of the first arriving engine company in the third person, as though he is telling a story in which he is not participating.

Additionally, the supervision question indicated that, during the incident, a candidate observes two of his firefighters being rough with the victim while rescuing him. The appellant blamed this on the victim, by stating that he was agitated. There was no indication in the stimulus material that the victim was agitated, and this was a fabrication. The only information given about the victim was that he was elderly and in a rear bedroom. He could have been unconscious, or disabled, or any other description other than agitated. The appellant then sent the truck members to a class on how to handle an agitated victim. While he received credit for providing any necessary firefighter training, it is a failure of certainty about one's position to blame the victim for a fire fighter's rough handling of the

victim. At the end of the presentation, the appellant reiterated that it was an agitated victim, but this was not to say that the firefighters or the victim did anything wrong, and everyone needed to work together. This was also incorrect. The firefighters were roughly handling the victim, and the appellant took very few steps regarding supervision of his crew in this respect. The appellant's oral communication has the weaknesses noted by the assessor, and 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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