



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Scot Fanning,
Fire Captain (PM1058V),
Trenton

CSC Docket No. 2019-2137

Examination Appeal

ISSUED: April 29, 2019 (RE)

Scot Fanning appeals his score for the oral portion of the promotional examination for Fire Captain (PM1058V), Trenton. It is noted that the appellant passed the subject examination with a final average of 79.210 and a rank of 46th on the resultant eligible list.

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. 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 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 5 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 3 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical components of both scenarios. 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 bar area that has spread to the second and third floors of a five-story hotel of ordinary construction. Upon arrival, the fire is knocked down and the Incident Commander (IC) orders the candidate, who is the supervisor of the second responding ladder company, to begin salvage and overhaul operations on the first floor. Question 1 asked candidates to describe their initial actions in detail, including descriptions of techniques, life safety concerns, and building construction considerations. Question 2 indicated that a member of the crew was looking at a wall with the thermal imaging camera (TIC) on the A/D corner during overhaul operations and saw hot spots. It asked for actions that should be taken based on this new information. The assessor noted that the appellant failed to notify the IC/supervisor, which was a mandatory response to question 2. It was also noted that he missed the opportunities to check carbon monoxide levels and to describe dewatering procedures (e.g., using toilet drain, water chutes, small holes in ceiling), which were additional responses to question 1. On appeal, the appellant states that he communicated with the IC.

In this scenario, the IC ordered the candidate to begin salvage and overhaul on the first floor, and the question asked for descriptions of techniques, life safety, and building construction concerns. A review of the appellant's presentation indicates that he took many superfluous actions that were not responsive to the scenario or the question, such as searching for victims, taking victims to EMS for treatment, triage and transport, performing primary and secondary searches in coordination with the hose line, making sure victims are save-able, and searching the floor above and the top-floor. The appellant included all of these actions in his response to question 1. Thereafter, in responding to question 2, the appellant stated he would perform salvage and overhaul with a charged hose line in place. He then conducted horizontal ventilation and vertical ventilation, although this was on the first floor of a five-floor building. He then laddered exposure D, and did primary and secondary searches of exposure D, had two means of egress, laddered the roof, conducted horizontal ventilation and vertical ventilation if needed, located hot spots, checked cocklofts, pipe chases, the basement, the attic, and parapet walls. While it was appropriate to have a charged hose line and open the walls, many of the responses given by the appellant were inappropriate for the orders given by the IC.

Additionally, the appellant's remark regarding the IC was inappropriate as well. The assessor indicated that the appellant had not notified the IC regarding finding a hot spot in wall on the first floor while performing overhaul. In his presentation, the appellant was discussing exposure D, and stated, "Again, entering, rescuing anyone in the area, anyone we run into along this whole process, both in scenario one and scenario two. If we were to find any occupants whatsoever we need to remove them immediately. Ah, communicate to the IC. Let them know exactly where we're located. Let the RIT team know where we're located in case there was a hazard to the situation we need to be rescued." This is an entirely different action, and one which is an overreaction to the question. Giving the IC a location while in an exposure building while looking for occupants, which was not the assignment, does not warrant credit. The appellant missed the actions as noted by the assessor and his score of 2 for this component is correct.

The arriving scenario involved a report of a collision of a pickup truck and a tour bus. Question 1 asked candidates to perform an initial report on arrival using proper radio protocols. Question 2 asked for specific actions to be taken after the initial report. For this component, the assessor indicated that the appellant failed to address multiple victims with multiple injuries, which was a mandatory response to question 1. Also, the assessor indicated that the appellant missed the opportunity to ensure personnel were wearing reflective vests, which was an additional action for question 2. The assessor used the "flex" rule to assign a score of 3. On appeal, the appellant argues that he had members in the proper PPE, which includes reflective trim.

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 assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, a score higher than a 3 cannot be provided in those cases.

In reply, at the end of every scenario and prior to the questions, instructions state, "In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score." This was a formal examination and candidates were required to articulate their knowledge verbally. The appellant did not ensure personnel were wearing reflective vests. That PCA was not referring to PPE with reflective tape, but rather, referred to reflective vests, and the candidates were expected to know the difference. In any case, the appellant missed a mandatory response, and his score of 3, using the flex rule, 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 ON
THE 24th DAY OF APRIL, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Scot Fanning
Michael Johnson
Records Center