

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. The appellant received the following scores for the technical component for each question, in order: 3, 5, 5 and 5. He received the scores of 5, 5, 5 and 5 for the oral communication components.

The appellant challenges his score for the technical component for the Incident Command – Non-Fire Incident scenario. As a result, the appellant's test material, audiotape, and a listing of PCAs for the scenario were reviewed.

The Incident Command – Non-Fire Incident scenario pertained to a report of a multiple vehicle crash on a major, six-lane, limited-access highway on a winter morning. It is 10:00 AM, and the temperature is 15°F with little to no wind. The area is experiencing snow, sleet, freezing rain, and the formation of black ice on the roads, which was the major cause of the pileup. Upon arrival, the candidate sees 25 crashed vehicles, including several semi-trucks, involved in a pileup on a downhill stretch of highway. Some motorists are out of their vehicles and others are still entrapped. The State Police are on the scene, up the road from the accident site, attempting to slow traffic to prevent more crashes. For the moment, there is no smoke or evidence of fire, but the odor of gasoline is present. The scenario indicates a number of actions that have already been taken by the candidate, and it asks the candidate to answer the question based on the text *Hazardous Materials: Managing the Incident*, and their experience. Question 1 asked for specific actions to take to address the incident, having already completed the nine actions given. Question 2 indicated that the candidate receives a report that gasoline is leaking from the ruptured tank of a van. The driver has been extricated and has said that his 25 gallon tank was almost full. The gasoline is flowing toward two nearby overturned vehicles where extrication operations are underway. This question asks for specific actions that should now be taken based on this new information.

For this incident, the assessor noted that the appellant failed to eliminate ignition sources, which was a mandatory response to question 2. They also indicated that he missed the opportunity to maintain an escape route, which was an additional response to question 2. The assessors assigned a score of 3 using the "flex rule." On appeal, the appellant argues that he stated he would eliminate all sources of ignition when he gave his orders to engine 1 in response to question 1. Additionally, he states that while he did not use the words "escape route" his tactics

and rationale are self-explanatory. He states he established zones and secured corridors, as well as gave assignments to fourth alarm companies.

In this scenario, certain responses to the situation presented are mandatory. That is, 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: 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.

The appellant received a score of 3 for this component as he did not address a mandatory response. After each question was read aloud by the assessor, he stated, "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." The information that candidates give in their presentation is not taken out of context and considered as "buzzwords," giving credit for simply stating the words. Instead, they were required to directly respond to the conditions given to them. Also, this was a complicated situation, and the scenario had two questions. The first question asked for specific actions to address the incident. The second question gave new information regarding a gasoline leak, and it asked for specific actions to be taken based on this new information.

In his response to question 1, the appellant stated, "I would assign the first alarm who are not assigned at the time, engine 1 and engine 2, to establish primary water supplies and to stretch the appropriate lines, which would include inch and three-quarter water hand line, but also foam lines to suppress all vapors and to eliminate sources of ignition." For this response, the appellant received credit in question 1 for stretching protective hose lines, which was a mandatory response, and for calling for foam units. The use of foam lines can suppress vapors and eliminate sources of ignition. However, there are other sources of ignition that should be eliminated as well. Sources of ignition include smoking materials, but also heat from processes, electrical apparatus, such as in cases of overload or failure, and deliberate ignition. In his response to question 1, the appellant took actions related to a chemical release. When he finished responding to question 1, the appellant read question 2. He then said he would have the hazmat branch take action to control the leak, and he updated the information to the search and rescue group that they were not to enter the area until a proper foam blanket could be placed and hand lines were put in place for their safety. He received credit for this response for limiting the spill area to essential personnel, and applying a blanket of foam to suppress vapors. As he had not yet mentioned eliminating the ignition

sources in his response to question 2, the assessor asked him to be more specific regarding his response that he would lay down a foam blanket. The appellant responded that he would lay a foam blanket initially nearest the victims who were most in danger, and that he would do so to suppress vapors and ensure that his members were protected. The appellant did not state that he would eliminate the ignition sources given the new information that there was a gasoline leak.

Next, the appellant did not state that he would maintain an escape route after he was informed about the gasoline leak. Again, credit cannot be given for information that is implied or assumed. If the appellant knew that he would maintain an escape route, in order to receive credit for that action he needed to articulate it. He could not expect that he would receive credit since it was implied in other actions. At the end of the presentation, the appellant had not yet mentioned this action, so the assessor told the appellant that he had talked about a secure corridor. He didn't finish his question, but the appellant began responding that the traffic needed to be stopped in both directions utilizing the apparatus if necessary, and there was a proper means of ingress and egress for emergency vehicles and victim removal. In other words, the appellant elaborated on his response to question 1, but did not state that he would maintain an escape route knowing that there was a possible gasoline leak of 25 gallons. The appellant missed the actions noted by the assessor, which included a mandatory response, and his score of 3 for this component is correct.

CONCLUSION

A thorough review of 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 16th DAY OF DECEMBER, 2015


Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: John Alston
Dan Hill
Joseph DeNardo
Joseph Gambino

REPORT OF THE
COMMISSIONER OF THE
GENERAL LAND OFFICE

1880

REPORT OF THE
COMMISSIONER OF THE
GENERAL LAND OFFICE
FOR THE YEAR 1880

1880