

B-48



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Robert Barra,  
Deputy Fire Chief (PM1694S),  
Bloomfield

CSC Docket No. 2016-<sup>1653</sup>~~836~~

Examination Appeal

ISSUED: DEC 21 2015 (RE)

Robert Barra appeals his score on the examination for Deputy Fire Chief (PM1694S), Bloomfield. It is noted that the appellant passed the examination with a final average of 89.270 and ranks second on the resultant eligible list.

The subject promotional examination was held on April 29, 2015 and four candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises; each was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command – Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command – Fire Incident.

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, fire fighting 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 in the technical component for some scenarios, 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.

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, 4, 5, and 5. He received the scores of 4, 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 multiple victims down and fleeing the local supermarket. It is a Sunday afternoon in January, 37°F, with wind blowing from the west at 10 mph. Upon arrival, the Deputy Fire Chief witnesses a chaotic scene with people frantically running out of the store, and there is a report of unconscious victims inside. People are running clear of the area and some are attempting to leave in their cars, causing some minor traffic issues in the parking lot. Instructions to candidates were to base their responses on the text *Hazardous Materials: Managing the Incident*, the *Fire Officer's Handbook of Tactics*, and their experience. Question 1 asked for specific initial actions and considerations upon arrival. Question 2 indicated that initial orders have been given. Dispatch advises of a chemical exposure or possible terrorism event that was called in just after the Deputy Fire Chief's arrival. The question asked for specific actions to now take to mitigate the incident based on this new information.

For this incident, the assessor noted that the appellant failed to rescue victims who are outside. This is a mandatory response to question 1. They also indicated that he missed the opportunity to notify the health department of possible contaminated food, which was an additional response to question 2. On appeal, the appellant argues that the scenario did not mention "outside victims," but stated that it was a chaotic scene with people running out of the store and fleeing the supermarket, and that there were unconscious victims inside the store. He argues that he said he would evacuate the entire site and quarantine the evacuating and fleeing people to prepare them for mass and technical decontamination in order to triage, treat and transport them to the hospital; he interviewed individuals to ensure all people were removed from the area; he would rescue and remove all victims that can be removed; he had crews conduct secondary searches and perform a scene safety evaluation for anything or anyone that doesn't belong; he had the

truck company rescue and remove all occupants; evacuated downwind exposures; and utilized the local media to notify the general public to evacuate.

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. There has been a report of multiple victims down and fleeing the local supermarket. The scene is chaotic, people are frantically running out of the store, there are unconscious victims inside, and there are minor traffic issues in the parking lot. Given the circumstances of the scenarios, the SMEs determined that an appropriate mandatory response is to rescue the victims who are outside. The appellant's argument that rescuing victims who are outside was not necessary as the scenario did not specifically mention unconscious victims who were outside, is unpersuasive. There may be victims, not all unconscious, outside, who should be rescued. To assume that there are no victims outside at this chaotic scene is negligent. It is noted that credit cannot be given for information that is implied or assumed. After each question was read aloud by the assessor, she 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." As such, references to "all victims" cannot be assumed to mean that the appellant would take the action noted by the assessors. If the appellant was concerned about rescuing victims who are outside, he should have stated this in his presentation, rather than implying it.

In response to question 1, regarding victims, he stated, "I will also have EMS respond for triage treatment and transport and I will put the local area hospital on alert." For this response, the appellant received credit for requesting multiple EMS units and ensuring that area hospitals are notified of mass casualties. He established division commands and groups for these divisions, including search and rescue groups, and evacuated the site, established parameters and removed all nonessential personnel. This response is general in nature and is not responsive to the specifics of the scenario. The appellant did not respond to each question separately, but gave one continual response. For example, there is no reason to establish parameters and remove all nonessential personnel until the evolution of the scene in question 2. In his appeal, the appellant stated his general responses to both questions should be specifically applied to question 1, which ask

for specific, initial actions and considerations upon arrival. It cannot be assumed that the appellant's general responses to what appears to be question 2 would include taking the initial action of rescuing victims who were outside, in response to question 1. The appellant also indicated that he would take such actions as identifying the product through the use of binoculars, placards, MSDS sheets and right-to-know information. This is simply not an appropriate response to question 1, but is applicable to question 2, when the candidate is advised of a chemical exposure or possible terrorism event. After giving such responses, the appellant stated that he was responding to question 2, and he gave additional actions. He repeated information that he had given originally, and added that he would rescue and remove any victims that can be removed safely. This is clearly a response to question 2, and not an initial action taken upon arrival. When he stopped to take a moment to review his notes, the assessor asked him, "You mentioned rescue of any victims, can you be more specific about that?" The appellant responded, "I would specifically ah, because it is a chemical situation, I would, the victims that we um, assessed, I would assess through pain stimulus, by either touching the victim, and I would triage them so to, to know which, I will prioritize the victims in their most likelihood of survival when I remove them. I will have the ladder company, or the truck company conduct primary, secondary searches, rescue and remove all occupants." The appellant did not provide a mandatory response to question 1, and he missed the additional action as well. His score 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 16<sup>th</sup> DAY OF DECEMBER, 2015



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REPORT NO. 100  
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