

B-73



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Matthew Zaccone, Fire Captain  
(PM1136S), Paterson

Examination Appeal

CSC Docket No. 2016-2823

ISSUED: **OCT 25 2016** (RE)

Matthew Zaccone appeals his score for the oral portion of the promotional examination for Fire Captain (PM1136S), Paterson. It is noted that the appellant passed the subject examination with a final score of 87.820 and his name appears as the 31<sup>st</sup> ranked eligible 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 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. 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 3 for the technical component, a 5 for the supervision component, and a 4.5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 3 for the supervision component, and a 3.5 for the oral communication component. The appellant challenges his scores for the technical and oral communication components of the evolving scenario, and the supervision and oral communication components 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 report of a fire in a bakery, which is a single-story, wood-frame building with a wood truss roof built in the 1970s. It is 9:00 AM on a Sunday in September and the temperature is 72° Fahrenheit with clear skies and a wind blowing from west to east at 6 MPH. Upon arrival, it is noticed that smoke is coming from the front door on side A. The candidate is the commanding officer of the first arriving ladder company, is first on scene, and establishes command. Question 1 asked for specific actions to be taken upon arrival. Question

2 indicated that fire has reached the wood roof trusses, causing one to fail. This question asked for actions that should now 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.

For the technical component, the assessors indicated that the appellant failed to perform a detailed size-up, giving only general information, which was a mandatory in response to question 1. They also indicated that he missed the opportunity to ensure that all exposures are evacuated. The assessors used the "flex" rule to assign a score of 3. On appeal, the appellant argues that he gave the address of the fire building. He also contends that he stated he would do a primary search of exposures B and D, including secondary searches.

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 allow the SMEs to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. 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.

As noted above, credit could not be given for information that was implied or assumed. A review of the appellant's presentation indicates that he began his presentation by stating, "Regarding question number one, upon arrival I'm going to establish command. I'm going to give a building description of the building. I'm going to assign all of my incoming resources. I'm going to designate where command is. I'm setting up command in front of 231 Sandstone Street. I'm going to ensure that all of my firefighters are in proper PPE, SCBA, PASS device, thermal imaging camera. I'm also going to ensure that they have a light with a sling for hands-free operation. Once giving my size-up of the building and establishing command, I'm now going to start assigning different companies that are coming in." The appellant then began giving his orders to companies.

In this passage, the appellant indicated that he would give dispatch a description of the building. This was a formal examination setting, and candidates were required to provide direct answers to the questions. The question asked for specific actions to be taken. The candidate should take the information provided in the

scenario and evaluate it to identify the pertinent size-up factors. The appellant was only concerned with providing dispatch with a description of the building, which he did not provide in his presentation. The candidate was expected to identify that this was a wood-frame building with a wood truss roof, with smoke coming from the front door on side A, and give other size-up factors as well. The address of the fire building is not a size-up factor. As such, a review of the presentation confirms that the appellant failed to perform a detailed size-up, which was a mandatory response to question 1. He also did not indicate that he would ensure that all exposures were evacuated. Performing searches of exposures is not the same action, and credit is not given for information that is implied or assumed. As the appellant missed a mandatory response, he cannot receive a score higher than 3.

For the oral communication component, the assessors noted a weakness in specificity. Specifically, they indicated that the appellant's response to the size-up was minimal and lacked detail. On appeal, the appellant argues that his presentation was logical, clear, concise and deliberate.

In reply, a weakness in specificity is defined as responses that are general and/or lack the detail necessary to fully address the PCAs. A review of the appellant's presentation indicates that he gave some canned responses. For example, instead of stating that the first engine's hose line would be stretched to the seat of the fire in the kitchen through side A, he stated, "Upon establishing a water supply, they're going to stretch an inch and three quarters. They're going to stretch the inch and three quarters from the unburned to the burned side to locate, confine and extinguish any visible fire."

At another point, the appellant stated that the members of engines 1 and 2 would stretch back up lines and, "In the process of doing any of the search, they're also going to vent any windows and remove any overcome occupants." The diagram clearly showed large windows at the front of the building on side A, and a small side window on side B. There were no other windows. The appellant's response was general and he was not responding to the specifics of the scenario. And, as noted by the assessors, the appellant said he would perform a size-up, but he did not actually do so. For question 2, the appellant mentioned a parapet collapse, when the building does not have one. The appellant's presentation had a minor weakness in specificity, and his score 4.5 for this component will not be changed.

The arriving scenario involves a fire in a two-story, wood-frame townhouse built in the early 1980s. The townhouse is one of four connected units, with exposures B and D as similar townhouses. It is 9:30 AM on a Monday in September and the temperature is 61° Fahrenheit with cloudy 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 first and second floor windows on side A. Dispatch reports the caller is an occupant

in the second floor bedroom who awoke to smoke coming up the stairs and was forced back into his bedroom. He is at home with two other roommates. The candidate is the commanding officer of the first arriving engine company and is first on scene. The technical question, question 1, asked for specific actions to be taken upon arrival. The supervision question indicated that, after the incident, a rookie firefighter tells you he observed a veteran firefighter being careless with the tools at the incident. He noticed that a veteran firefighter was not properly using them and did not return them to their proper place on the apparatus. This question asked for actions to take to address the rookie firefighter's concerns. 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 supervision component, the assessors noted that the appellant missed the opportunities to inspect the tools/apparatus used at the incident, and to keep the chief informed of the investigation progress/outcome. On appeal, the appellant states that he mentioned proper tool placement on the apparatus, and was detailed in his action, hitting all major points.

In reply, a review of the appellant's presentation indicates that he did not inspect the tools/apparatus used at the incident. The appellant stated that he might give the veteran firefighter an oral reprimand, but it was not a big deal, and he just wanted to make sure that he puts everything in its proper place so it could be found. Also, in his interviews with the veteran firefighter and the rookie firefighter, he indicated the importance of putting the tools back in the proper place. However, these are not the same action as that listed by the assessors. That is, on the scene, the appellant did not verify the rookie's concerns by inspecting the apparatus and the tools when he had the chance. Rather than providing additional actions which would increase his score, the appellant displayed annoyance by speaking tersely, grinning and shaking his head, and stating that this was a poor question. His response to this question was minimal. He did not take the actions noted by the assessors and his presentation was acceptable, but not more than acceptable.

For the oral communication component, the assessors indicated that the appellant's presentation lacked detail and specificity. For example, the size-up activity was only a general description. They also indicated a weakness in organization, stating that he jumped around from action to action, without providing ideas in a logical fashion and providing supporting arguments. On appeal, the appellant argues that he had only 5 minutes to prepare, and was as concise as possible, giving "detailed actions to fire suppression and life safety."

In reply, in addition to specificity, the appellant's presentation had a weakness in organization. A weakness in organization is defined as failing to present ideas in a

logical fashion, stating a topic, and providing supporting arguments and a summary/conclusion. It is also defined as candidates consistently giving actions out of order or failing to indicate that they are returning to a topic or question. The appellant's presentation contained weaknesses in both aspects. The appellant's response to the supervision question was clearly lacking in detail and specificity. Additionally, the appellant used stock phrases. For example, he performed, "vent enter and search," after laddering the building the second floor. After checking for extension, he stretched a hose line through the front door from the unburned to the burned side. This sentence made little sense, as the fire was in the kitchen, in the middle of the structure, with no windows and only two doors. The appellant would have had to bring the line into the hallway, turn left into the dining room, and then turn right into the kitchen, or he could have gone straight down the hallway, turned left into the living room, and then turned left into the kitchen. Again, the appellant stated that he was going to search for victims, including in closets and in egresses, "venting entering and searching as we go."

As to organization, the appellant opened the presentation by stating that a primary water supply would be established, and initial actions would include life preservation of the three occupants on the second floor. Life preservation is an objective, not an action. While the chauffer was establishing the water supply, the appellant said others would stretch an inch and three quarters (line) and do a primary search. He laddered the second floor, and did a "vent, enter and search," and a primary search of the second floor. After locating and removing the victims, he established a secondary water supply and stretched another line to place between the occupants and the fire, and he protected the means of egress. This was unclear, as the appellant stated he had rescued the victims he knew about. He then stated he would search offline while protecting the means of egress, and as they were locating, confining and extinguishing the fire, they were also doing a primary search. The appellant's actions were given in a jumbled manner, and the appellant did not identify who was performing some of the actions. The appellant was the commanding officer of the first arriving engine company and the first officer on the scene. As such, he was the Incident Commander (IC). He did not provide information as though he was giving orders to various companies, but used the pronoun "we." After again stating he would ladder the building and perform vertical ventilation either off of a bucket or off of ladders, the appellant called for additional alarms. After giving various actions to unspecified companies and without yet establishing command, the appellant stated he would come back to question 1, and he answered question 2. After answering question 2, the appellant began repeating responses already given for question 1. He then stated that all members would be in full PPE with the SCBA, and he called for additional resources such as EMS and a RIT team. At this point, he designated a command post, which established his command. In sum, the appellant's presentation was

very disorganized, and his presentation contained the weaknesses noted by the assessors. His score for this component will not be changed.

### CONCLUSION

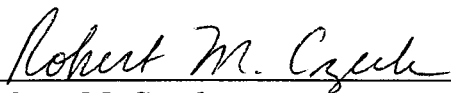
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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 19<sup>th</sup> DAY OF OCTOBER, 2016

  
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