



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Brad Fleischman, Fire Captain
(PM1140S), Rahway

CSC Docket No. 2016-2793

Examination Appeal

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

Brad Fleischman appeals his score for the oral portion of the promotional examination for Fire Captain (PM1140S), Rahway. It is noted that the appellant passed the subject examination with a final average of 89.090 and ranks sixth 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 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 5 for the oral communication component. The appellant challenges his scores for the technical component of the evolving scenario and the supervision component 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 involved a report of a fire in a historic, small, single-story brick church built in the 1940s. It is 2:30 PM on a Saturday in February, with a temperature of 23° F, overcast skies, and a wind blowing from west to east at 10 miles per hour. The candidate is the commanding officer of the first arriving engine company, who is on-scene and has established command. There are parked cars along the front of the building, and wood frame homes on sides B and D. Upon arrival, the candidate does not notice any fire but sees smoke coming from the windows near the peak of the slate roof on side A. A neighbor approaches and

indicates a custodian may be in the church, cleaning it for services on Sunday, and a crowd of onlookers begins to gather. There were two technical questions. Question 1 asked for specific actions that should be taken upon arrival. Question 2 indicates that an interior crew reports high heat conditions, and soon after, a flashover occurs, injuring two firefighters. The question asked what specific actions 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 noted that the appellant failed to stretch a 2½ inch hose line to locate, confine, and extinguish the fire, which was a mandatory response to question 1. They also indicated that he missed the opportunity to clear all unnecessary radio traffic in question 2. They used the “flex” rule to assign a score of 3. On appeal, the appellant argues that a 1¾ inch hoseline was sufficient given the details in the scenario, allows for speed and mobility, and provides sufficient water flow given the dimensions of the building and the small extent of the fire.

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.

In reply, a review of the appellant’s presentation indicates that he stated, “Next I would pull a charged inch and three quarter hoseline into the A side of the structure. Attack it from the unburned side, to go to the seat of the fire, to locate, confine and extinguish all fire.” The SMEs determined that this hose size was too small. They found that this fire required a 2½ inch hoseline due to the circumstances of the roof, not the surface area. The church has high ceilings and the timber-truss construction. Page 118 of the text, *Collapse of Burning Buildings, A Guide to Fireground Safety*, by Vincent Dunn, recommends that, for any place of worship, “the largest hose should be stretched to give the firefighter the most water power with the greatest reach.” The attack team will need the largest hose size for reach and penetration if the fire gets into the cockloft, which is likely in a flash-

over. An Incident Commander cannot risk the lives of his crew by assuming the best at the onset and skimping. Furthermore, the scenario indicates that there is snow on the ground from a recent snowstorm, which presumes snow on the roof, and the roof is made of slate. The slate tiles and the snow bring significant, additional weight to the trusses, making collapse even more likely if the fire spreads. The larger-diameter hose also would allow the attack team to fight the fire closer to the door, allowing for safer egress if collapse occurred. The appellant missed the actions listed by the assessors, including a mandatory response, and his score for the technical component is correct.

The arriving scenario involved a report of a fire in a single-story, wood-frame constructed house built in the 1970s. Similarly constructed houses are 10 feet away on sides B and D. It is 3:30 PM on a Saturday in September, with a temperature of 78° F, partly cloudy skies, and a wind blowing from the west to the east at 5 miles per hour. 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 garage door on side A. Dispatch indicates the caller is in the bedroom, and indicated he was napping when he awoke to smoke in the house and is unable to get out. The supervision question indicated that the candidate has returned to the firehouse when he receives an alarm for the same address. The fire has reignited due to poor overhauling at the initial alarm. This question asked for actions to be taken after returning from the second alarm to ensure an incident like this does not happen in the future.

For the supervision component, the assessors indicated that the appellant missed the opportunities to determine the fire crew/personnel assigned to overhaul, and to check for faulty equipment (TIC). On appeal, the appellant argues that he scheduled separate meetings with the firefighter and the officer, did a factual analysis, and told them they failed to follow Standard Operating Procedures (SOPs).

In reply, in response to this question, the appellant stated, "In reference to question 2, I would pull records of all members working at that, working at that fire. I would also pull my department SOPs and rules and regulations. I would identify the violation and the seriousness of it, and who observed it, or witnessed it, and get information from other officers working. I would do a factual analysis. Next, I would have a meeting independently with each member, stating the reason for the meeting, how we off..., how we, state how we failed departmental SOPs and rules and regulations. All members will be entitled to union representation at the meeting, but I would start, I would put the firefighter or officer at ease. I would get his input." In this passage, the appellant pulled records of all members at the fire, and got information from witnesses and officers working at the fire. However, the appellant stated he would have a meeting with "each member." It cannot be assumed that the appellant determined the fire crew or personnel assigned to

overhaul. Rather, from his statements, it appears as though he is interviewing all members who worked the fire. Additionally, performing a "factual analysis" is a general response, and does not indicate that the appellant checked for faulty equipment. The appellant missed the actions noted by the assessors, as well as other actions, and his score of 3 for this component is correct.

CONCLUSION

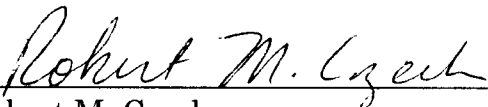
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 10th DAY OF NOVEMBER, 2016



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