



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Ramon Lopez, Fire Captain
(PM1140S), Rahway

Examination Appeal

CSC Docket No. 2016-2792

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

Ramon Lopez 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 90.330 and ranks third 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 5 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 4 for the supervision component, and a 5 for the oral communication component. The appellant challenges his score for 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 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 opportunity to check for faulty equipment (TIC). On appeal, the appellant argues that the scenario indicated that the rekindle was due to poor overhaul, which indicates an improper job performance and rules out faulty equipment as a cause. He argues that it is impossible to ensure that equipment malfunction does not occur. He also argues that John Norman, the author of the text *Fire Officer's Handbook of Tactics*, does not mention or warn against equipment malfunction, and that even the most novice firefighter would notice a malfunctioning TIC.

In reply, the appellant does not argue that he took the action noted by the assessors; rather, he argues that the action is unnecessary. The SMEs disagree. They indicated that one of the actions that could be taken to ensure that a rekindling due to poor overhauling does not occur again in the future is to check for faulty equipment (TIC). Certainly, if firefighters rely on a TIC to check for extension during overhaul, a malfunctioning TIC would not detect hidden fire and be a cause of rekindling. TICs can malfunction in different ways, and it is only the appellant's opinion that a novice fire fighter can determine if one is malfunctioning. Checking the TIC for proper functioning after re-ignition of a fire is not a superfluous or extraordinary action to take. Additionally, the assessor notes are examples of missed behavior, but are not all-inclusive. The appellant also did not determine the fire crew assigned to overhaul, or confirm or determine the point of origin. The appellant's arguments are unpersuasive, and a holistic view of his performance indicates that a higher score is not warranted. The appellant's score of 4 for this component is correct and 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 10th DAY OF NOVEMBER, 2016



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