



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Richard Gregorio, Fire Captain  
(PM1142S), Roselle

Examination Appeal

CSC Docket No. 2016-2994

ISSUED: **NOV 16 2016**

(RE)

Richard Gregorio appeals his score for the oral portion of the promotional examination for Fire Captain (PM1142S), Roselle. It is noted that the appellant passed the subject examination with a final score of 88.900 and his name appears as the fourth 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 2 for the technical component, a 3 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 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 involves a fire in a single-story, ordinary construction general store built in the early 1940s. It is 10:30 AM on a Tuesday in September, with the temperature of 68° F, clear skies, and a wind blowing from the west to the east at 8 miles per hour. The candidate is the commanding officer of the first arriving engine company and is the first officer on scene. Upon arrival, he notices smoke coming from the windows on side A. Dispatch reports the caller is a store employee who said the fire started in the rear stockroom and had quickly spread. He is unsure if all customers and store employees are out of the building. Question

1 asked for specific actions to take on arrival. Question 2 contained the evolution of the scene. It indicated that, while performing a secondary search of the building, one of the crew members encounters a firefighter who takes his facemask off because it malfunctions. He is overcome with smoke. This question asked for actions to 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.

In regard to the technical component, the assessors noted that the appellant failed to deploy a Rapid Intervention Crew (RIC), which was a mandatory response to question 2. Also, they noted that he missed the opportunities to call for the health department, and ensure employee accountability in response to question 1. On appeal, the appellant states that he called for a RIC in response to question 1. He also indicates that he had all members tag in and tag out for accountability, and called for a Personnel Accountability Report (PAR).

A review of the appellant's video and related examination materials indicates that, in response to question 1, the appellant called for additional resources, including calling for a RIC for firefighter safety. However, in the evolution of the scene, a firefighter was overcome with smoke, and the appellant did not deploy the RIC in response. As noted above, credit was not given for information that was implied or assumed. Candidates could be scored only on what they actually said. In this case, the appellant had established a RIC, but as the IC, he did not use them when needed. This was a mandatory response to question 2. Additionally, he did not call for the health department, and ensure employee accountability in question 1. The latter note refers to employees of the store, not subordinate firefighters, and the appellant's arguments are misplaced. The appellant provided a very brief response to question 2, and missed a mandatory response. His score of 2 for this component is correct.

The arriving scenario involved a report of fire in a 1.5-story, wood-frame constructed house built in the 1930s. It is 5:30 PM on a Saturday in July, 88° F, with cloudy skies and a wind blowing from west to east at 6 miles per hour. The candidate is the commanding officer of the first arriving engine company and the first officer on scene. Upon arrival, the candidate notices smoke coming from a first floor door and window on side A. Dispatch states that the caller is an occupant who is trapped in a first floor bedroom. The caller said she was cooking dinner when she fell asleep, and woke to the house filled with smoke. The technical question asked for specific actions to be taken upon arrival. The supervision question indicated that the candidate orders a crew to secure the gas utility to the house, and notices a firefighter having trouble and taking a long time trying to shut the gas off. There do not appear to be any problems with the shut off or equipment. This question

asks for actions to be taken at the scene and after returning to the firehouse. 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 supervision component, the assessors indicated that the appellant missed the opportunity to ensure the gas was shut off. On appeal, the appellant argues that he called for the utility company in response to question 1, and specifically called for the gas to be shut off.

In reply, the appellant received credit in the technical component for securing utilities. The supervision question involved a problem encountered by the subordinate regarding shutting the gas off. The appellant's argument is that the subordinate did not have this problem because the appellant already shut off the gas in response to question 1. This is simply a denial of the information given in the supervision question. In question 1, the appellant ordered that, "They will ah, check ah, shut off utilities. Take control of utilities, gas electric and water." The appellant did not address the issue in the supervision question of the trouble that the subordinate had at the scene in trying to shut off the gas as ordered. In his response, the appellant said that he would talk to him and provide assistance. He did not take any further action on scene, and he did not ensure that the gas was shut off after becoming aware of this problem. The appellant missed the action noted by the assessor and his score for this component is correct.

### CONCLUSION

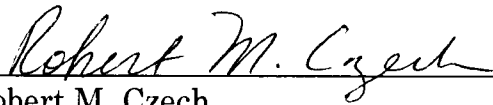
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### 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 10<sup>th</sup> DAY OF NOVEMBER, 2016



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