



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Tyrome Joyner Sr.,
Fire Captain (PM1051V),
Paterson

Examination Appeal

CSC Docket No. 2019-2651

ISSUED: June 13, 2019 (RE)

Tyrome Joyner Sr. appeals his score for the oral portion of the promotional examination for Fire Captain (PM1051V), Paterson. It is noted that the appellant passed the subject examination with a final average of 79.640 and ranks 68th on the resultant eligible list.

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. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

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 4 for the supervision component, and a 2 for the oral communication component. For the arriving scenario, the appellant scored a 3 for the technical component, a 4 for the supervision component, and a 5 for the oral communication component. The appellant challenges his scores for the technical component and oral communication components of the evolving scenario, and the technical and supervision 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 involved involves a fire in a bookstore, and fire has broken through the roof. For the technical component, the assessor indicated that the appellant failed to coordinate with the engine company/ hose line protections, a mandatory response to question 1, and to evacuate the crew from the building, a mandatory response to question 2. The assessor also noted that the appellant missed the opportunity to report to the incident commander (IC) after the evacuation, an additional response to question 2. On appeal, the appellant states that he stated that he said he would coordinate with the engine company for protection, and that he would conduct a Personnel Accountability Report (PAR) for the IC.

Question 1 asked candidates to describe in detail the orders they would give to their crew to carry out their assignment from the Incident Commander (IC). Question 2, indicates that, upon entry to perform a primary search, the candidate

notes extremely high temperatures and a lot of smoke, and fire spreading across the ceiling from side C to side A. Candidates were to describe their next action. A review of the appellant's presentation indicates that he missed the actions noted by the assessor. This was a formal examination setting, and candidates were required to respond to the questions provided. When the appellant gave orders to his crew, he did not include coordinating with engine company for having hose line protections with those initial orders, and credit is not given for responses that are implied or assumed. In the appellant's response to question 2, he did not evacuate the building as required given the circumstances, but said that he would enter it and cool it, and vent the roof. While performing these inappropriate actions, he indicated that he would ensure that there was a hose line stretched in place. He did not take this action until the additional information was given in question 2. Accordingly, he missed this mandatory action for question 1.

Also, since the appellant did not evacuate his crew from the building, another mandatory response to question 2, he did not report to the IC after evacuation. The appellant received credit for accounting for his crew/conducting a PAR. However, reporting to the IC after evacuation is a separate response. The appellant missed two mandatory responses, as well as additional responses, and his score of 2 for this component is correct.

For the oral communication component for the evolving scenario, the assessor indicated that the presentations had major weaknesses in word usage/grammar, and organization. For word usage/grammar, it was indicated that the appellant mispronounced words and used sentences that are grammatically incorrect. For example, he stated, "Hose line in place for destruction of the building," and "Request supplies to IC so they know what I need." For organization, it was indicated that the appellant failed to present ideas in a logical fashion and gave actions out of order. For example, he rescued victims and then searched, he repeated his actions, and he found the victims and then used the Thermal Imaging Camera (TIC). On appeal, the appellant argues that the assessor was very subjective by grading him for run-on sentences.

A weakness in word usage/grammar is defined as mispronouncing words, using sentences that are grammatically incorrect, repeating words and/or phrases, and using inappropriate words. A weakness in organization is defined as failing to present ideas in a logical fashion by stating a topic and providing supportive arguments, by giving actions out of order, and by not indicating that he is returning to a topic or question. The appellant's presentation contains these weaknesses.

For organization, the appellant responded to question 1 with superfluous information that was not responsive to the question, such as giving a size-up. The appellant gave about two minutes of information that was not necessary or

responsive to the question before finally addressing the topic of detailed orders to his crew to carry out the assignment. When he did so, he gave some information out of order. For example, he stated, “I will ladder the building. I will place my apparatus in front of the building to ensure maximum scrub use of the, the aerial, and maximum use of the scrub area, and for rapid ladder replace, and for rapid ladder advancement on the building.” He also stated, “Um, our do a primary search of the structure. Force entry into the search structure.” Lastly, the appellant stated that he needed a moment to look at his notes, and he ran out of time. As such, he did not conclude his presentation within the allotted time.

As to grammar, the appellant’s presentation had many the sentence that were grammatically incorrect. For example, the appellant stated, “Upon arrival on scene I would ensure that my men, that I hand them personal tag devices to the accountability officer,” “I would ensure that we have a hose line stretched in place for the possible ah, destruction of the structure,” “They will search the area 360°,” “I will also assign a victim tracking coordinator of the civilians to ensure that they’re okay and when we rescued them out the building and make sure that they was triaged, treatment, treated and transported to the hospital,” “I will look at pre-documents, ah pre-training of my, of the firefighter,” “I will acknowledge the fact that you know, what’s acceptable or what’s unacceptable behavior with the firefighter,” “I will ensure that he has the proper training to ensure that the training that he has proper training,” and “I will also ah report and forward this meeting to the Chief.” The appellant’s score for the oral communication component will not be changed.

The arriving scenario involved a report of fire on the first and second floor of a row home, where there were people squatting inside when the fire broke out. Question 1 asked candidates to use proper radio protocols to perform an initial report upon arrival, and question 2 asked for specific actions to take after the initial report.

For the arriving scenario, the assessor noted that the candidate failed to report possible victims inside as indicated in the scenario, which was a mandatory response to question 1. It was also noted that he missed the opportunity to report a townhouse, which was an additional response in question 1. On appeal, the appellant states that it was a rowhouse not a townhouse. He also states that he conducted a search and rescue and removed victims from the unit.

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, unless the flex rule is used. Additional responses only increase a score from 3 to 4 or from 3 to 5.

The appellant is correct that this was a rowhouse not a town house, and the appellant missed the opportunity to indicate that it was a row house upon arrival. Next, in his initial report, the appellant did not indicate there were possible victims inside. It is not assumed that the appellant reported to dispatch that there were possible victims inside on arrival in response to question 1 simply because he conducted a search and removed victims in response to question 2. To receive credit in question 1, the appellant would have had to have provided that response using proper radio protocol. He missed that mandatory response. Nevertheless, his additional responses contributed to his score, but as he missed a mandatory response, his score cannot be higher than a 3 pursuant to the flex rule.

Question 3, the supervision question, indicated that as the candidate is evacuating other rowhomes on the block, one of his firefighters gets into a screaming argument with a resident who does not want to leave, and the firefighter attempts to perform a firefighter's carry with the resident. The question asks for actions to take now and back at the firehouse. For the supervision component, the assessor noted that the candidate missed the opportunity to call law enforcement to remove the occupant. On appeal, the appellant states that he called for law enforcement for street and crowd control.

In reply, at the end of every scenario and prior to the questions, instructions state, "In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score." The appellant requested police in response to question 2, but did not request law enforcement for the noncompliant resident. The appellant separated the two individuals, identified the problem, and then did fact finding. As the appellant took no further action regarding the immediate situation with the resident, and missed the action as noted by the assessor, the presentation does not warrant a score of 5.

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 ON
THE 12th DAY OF JUNE, 2019



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