



**STATE OF NEW JERSEY**

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

In the Matter of Luis Sevillano,  
Fire Captain (PM1051V),  
Paterson

Examination Appeal

CSC Docket No. 2019-2513

**ISSUED:** June 13, 2019 (RE)

Luis Sevillano 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 74.020 and ranks 92<sup>nd</sup> 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 5 for the oral communication component. For the arriving scenario, the appellant scored a 1 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 of the evolving scenario, and for 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 ventilate windows on side a, a mandatory response to question 1. The assessor also noted that the appellant missed the opportunities to operate in teams of two, an additional response to question 1, and to account for the crew/conduct PARs (Personnel Accountability Report), an additional response to question 2. On appeal, the appellant states that he conducted a PAR, brought tools for venting, searched, ventilated side A, mentioned ventilation three times, and wrote search operations and method of search in his notes.

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 of the restaurant 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. Additionally, 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.

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 fire is in the second store in a strip mall of light weight steel truss construction. On side A is a glass door with two large windows almost the size of the door, and small windows over the door and a window. SMEs determined that given the conditions it was mandatory for candidates to ventilate the windows on side A. A review of the appellant's presentation indicates that he did not specify that he would ventilate the windows. Bringing tools for venting is a separate action, for which the appellant received credit, from ventilating the windows on side A. The appellant requested progress reports of vertical or horizontal ventilation, however, this was the very task that he and his crew were given to perform. The candidate was not the (IC), but the supervisor of the first arriving ladder company. Without ventilating the windows on side A, or operating in teams of two, the appellant began responding to the second question.

In responding to question 2, after finding extremely high temperatures and a lot of smoke in the restaurant, he called a Mayday, put his members at ease, then conducted a PAR. He then reported to the IC that he was transitioning from an offensive to a defense of attack, and called for master streams, and an accountability officer and a safety officer. This is an odd response, as the appellant puts his members at ease and conducts a PAR prior to evacuating the building. While he is still in the building, he indicates that he tells the IC he is moving to a defensive attack and calls for master streams, which is not his responsibility. It is also dangerous to have a master streams while a crew is still in the building. The appellant is not the IC, and does not have the authority to appoint an accountability officer and a safety officer in this situation, which are actions that he takes next. Finally, while preparing for a collapse zone, he staged on the exterior outside of the collapse zone. For that response, he received credit for evacuating the crew from the building. The appellant accounted for his whole crew, which was an additional response to question 2. However, he missed a mandatory response, and he did not provide enough additional responses to warrant a score of 3. His score of 2 for this 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 upon arrival, which was a mandatory response to question 1, and he failed to perform a primary search for and the victims and to check the cocklofts for extension, which were mandatory responses to question 2. It was also noted that he missed the opportunity to evacuate exposures in question 2. On appeal, the appellant states that he requested EMS, conducted a search, searched the cockloft for extension, relayed to command if he found victims, evacuated the building, mentioned cocklofts once more and EMS twice more, and reported findings of search operations to command.

In reply, credit has not given for “buzzwords,” or stock phrases. Rather, this was a formal examination setting and candidates were required to articulate their knowledge in the scenario that was presented to them. In other words, requesting or mentioning EMS for victims deserves credit once, as an appropriate action in question 2. One of the elements of an initial report is requesting resources, but another element is obvious conditions, such as possible victims. 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 requested EMS as a resource. In order to receive credit in question 1, the appellant would have had to have provided that response using proper radio protocol. A review of the presentation indicates that the appellant did not appropriately begin. Question 1 asked for the initial radio report, and the appellant started by indicating that he would review the preplan on his way there and do a 360 upon arrival. These are actions that do not belong in an initial report. He then began properly responding to question 1, and he requested initial resources prior to giving a complete report. For example, he did not state that he was on location, or that there were possible victims inside.

As to searching, it appears that some of the arguments that the appellant uses, such as when he mentioned the cockloft, was for the evolving scenario and not the arriving scenario. Clearly the information given in the first scenario cannot be used to score the second scenario. The appellant stated that he requested second and third alarms for assistance with exposure buildings, and because the row of buildings share a common cockloft, roofs, and possibly basements. This is not checking cocklofts for extension, but is calling for second and third alarms and giving the reason why. The appellant called for EMS, an additional action for which he received credit, and he staged them. At one point, the appellant stated, “I will also request for search and salvage. I would also request that the companies doing

the search and salvage use the proper tools, proper accountability, PARS, progress reports periodically. I would also request that they work in pairs. They use search ropes, guide ropes, and any findings to report back to their superior officers. Report back to myself as incident command.” The appellant has not indicated that this point that he would perform a primary search for any victims. After responding the third question, the appellant added that, for question 1, he would request EMS who would be at the staging location and report to the IC. He requested them for the firefighters and for the reported squatters, if they were found. This is a reason for requesting EMS, and is not an element of the initial report, given using proper radio protocols, stating that there are possible victims inside. The appellant missed three mandatory responses, as well as additional responses such as evacuating the exposures, and his score of 1 for this component is correct.

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 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 provide any necessary training. On appeal, the appellant states that he stated, “positive progressive,” which means training.

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.” A review of the appellant’s presentation indicates that he stated, “I will also request that we have a positive progress with myself and him in the next two or four weeks through our tours.” There is no general use of the words “positive progressive” in relationship to training. The appellant used “progress” as a noun in this sentence, but that is not training. The appellant received credit for monitoring the firefighter’s progress for this response. However, he missed this action as noted by the assessor. His score of 4 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 ON  
THE 12<sup>th</sup> DAY OF JUNE, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Luis Sevillano  
Michael Johnson  
Records Center