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STATE OF NEW JERSEY

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

In the Matter of Harrison Holmes,
Fire Captain (PM1136S),
Paterson

CSC Docket No. 2015-2462

Examination Appeal

ISSUED: MAY 08 2015

(RE)

Harrison Holmes appeals the administration of the oral portion of the examination for Fire Captain (PM1136S), Paterson.

The oral portion of the first level fire supervisor examination was administered to the appellant on February 21, 2015. 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 fire fighters and the ability to plan strategies and tactics based upon a building's structure and condition (arriving). For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond to three questions. For the arriving scenario, a five minute preparation period was given and candidates had 10 minutes to respond to two questions.

At the test center, the appellant appealed the testing conditions. Specifically, he stated that there was noise outside of his room, that he was distracted when the monitor did not start a timer, and that questions 1 and 2 of the evolving scenario were unclear.

CONCLUSION

The Civil Service Commission makes every effort to insure that test administration is as uniform as possible for all candidates. A review of the recording of the presentations does not evidence significant noise outside of the room. There were intermittent sounds of conversation and some laughing outside of the room during the presentation period for the arriving scenario. However, these sounds were not loud and were brief. After the appellant had begun the presentation, another comment could be heard from outside the room, but the appellant did not react or respond to this external noise. This comment or noise was the duration of a sentence or exclamation. After about 7.5 minutes into his presentation, voices can be heard outside of the room. Four seconds later, the appellant stated, "I'm sorry the noise just got to me." The voices had subsided by time he had finished this sentence, and the sounds had not been not loud or consistent. Faint voices can be heard intermittently after that, but they are difficult to discern over the appellant's presentation, which was continuous at that point. Although the situation may not have been ideal, the record does not support that the candidate was disadvantaged by the level of noise outside of the room.

Also, the monitor followed the procedure for the administration of the scenarios and there is no indication that she did not start a timer. The times that the appellant were given were accurate for the preparation and presentation periods. The appellant did not appear distracted in his presentations for either scenario by the actions of the monitor with a timer. Further, the appellant's assertion that the first two questions of the evolving scenario were unclear is unsupported. He provides no evidence or arguments regarding his opinion on this matter. All candidates were given the same questions and were able to answer them, including the appellant. The appellant has not provided a sufficient basis to establish that these conditions affected his examination performance, or to warrant additional credit on the examination. It is not feasible to administer another examination, and no other remedy can be fashioned.

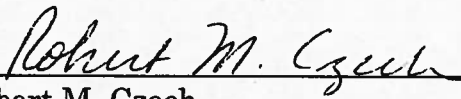
A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met his burden of proof in this matter.

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 6th DAY OF MAY, 2015


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