



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
John M. Shaw, Fire Lieutenant
(PM1154S), Belleville

Examination Appeal

CSC Docket No. 2016-2522

ISSUED: **NOV 15 2016** (TMG)

John M. Shaw appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM1154S), Belleville. It is noted that the appellant passed the subject examination with a final average of 87.380 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 Lieutenant 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 4 for the technical component, a 5 for the supervision component, and a 4.5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for the technical component, a 3 for the supervision component, and a 4.5 for the oral communication component. The appellant challenges his score for the supervision component of the arriving scenario, the technical component for the evolving scenario, and the oral communications component for both scenarios. 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 opportunities to check for faulty equipment (TIC), and confirm/determine the point of origin. On appeal the appellant claims that he located, confined and extinguished the fire and that he mentored.

In reply, with respect to the supervision component, a review of the appellant's presentation finds that he did not determine the point of origin and he did not check for faulty equipment. The appellant did indicate that his response focused on company and department-wide training, that if during the investigation it was found that someone made a mistake during the attack or overhaul process that he would follow a disciplinary procedure. The appellant, however, missed the opportunity to describe this investigation process. Thus, he missed the opportunity to determine whether the overhaul process failed to focus on the point or area of origin by determining or confirming that point of origin. He also missed the opportunity to determine whether a faulty TIC was the cause of the faulty overhaul process. Providing those two additional PCAs would have enhanced his score. His response to this question was acceptable, and his score of 3 for this component is correct.

The evolving scenario involved a report of a fire in a historic, small, single-story brick church built in the 1940s. It is 2:30 PM on a Saturday in February, with a temperature of 23° F, overcast skies, and a wind blowing from west to east at 10 miles per hour. The candidate is the commanding officer of the first arriving engine company, who is on-scene and has established command. There are parked cars along the front of the building, and wood frame homes on sides B and D. Upon arrival, the candidate does not notice any fire but sees smoke coming from the windows near the peak of the slate roof on side A. A neighbor approaches and indicates a custodian may be in the church, cleaning it for services on Sunday, and a crowd of onlookers begins to gather. There were two technical questions. The second technical question indicated that an interior crew reported high heat conditions. Soon after, a flashover occurs injuring two firefighters. Based on this new information, what specific actions should you now take. 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 technical component, the assessors noted that the appellant missed the opportunities to clear all unnecessary radio traffic. On appeal, the appellant argues that he confirmed the radio frequency, maintained communication with the dispatcher and conducted a PAR and he issued a Mayday and sound[ed] evacuation tones and again conducted a PAR.

In reply, a review of the appellant's responses finds that he included statements that he would identify the radio frequency in use at the fire ground, that he would maintain communications with the dispatcher, keeping track of the time and making reports. In response to the second question, responding to the flashover, he indicated that he would have the dispatcher sound evacuation tones and have the Engine and Ladders on the fire ground sound their air horns to notify those in the fire building that an evacuation had been ordered. However, the appellant did not indicate that he would direct that all unnecessary radio traffic be avoided when the Mayday was declared, which would be the time that the Rapid Intervention Crew (RIC) would be deployed to search for possible injured or trapped firefighters. The SMEs determined that clearing all unnecessary radio traffic was an additional appropriate action to take. Additionally, the appellant missed the opportunity to have the injured firefighter(s) radio their location in the fire building. The appellant's response was more than acceptable, and therefore his score of 4 for the technical component was correct.

For the oral communications component for both scenarios, the assessors indicated that the appellant had a lack of eye contact. On appeal, the appellant claimed that he frequently looked into the camera and clearly stated his responses after reading his notes. A review of the video of the appellant's examination response finds that while there were times where the appellant made appropriate eye contact, there were also times where he did not. For example, in the evolving scenario, the appellant said:

As the officer of the first **arriving engine company**, I would pull past the build, uh leaving **room for the ladder company** and viewing the building on three sides. I would immediately establish myself as the incident command, taking a position on the AB side as that is upwind and attempt to perform a **360** at the building.

I would identify the radio frequency and offensive attack strategy as well as scene size up which would include a **one story wood frame** with smoke showing and report of fire. I would **immediately request a second alarm** for manpower and rapid intervention team or crew.

I would also request police [**glanced up**] EMS that is **police for traffic control, EMS for treatment**, triage and transport. I would request a **utility company** for gas and electric shutoff. Although the

roads have been cleared, due to the 23-degree **temperature** and the flowing of water I would request DPW for salt and sand if needed **as well as an EMS** for rehab unit for firefighters.

The words in **bold** corresponded to the appellant looking up at the camera.

For the arriving scenario, the appellant said:

I would act as the **accountability, water supply** and safety officer until relieved. I would make sure that all firefighters were **wearing the proper PPE** and utilizing the accountability system. **Uhh, the PPA includes the SCBA** and PASS alarm. I would direct the first arriving engine company to take an **inch and 3/4** line, which is appropriate for a residential structure, through the A side front door of the building coordinating with the **ladder** for forcible entry, placing a **line between the occupants** and the fire.

Again, the words in **bold** corresponded to the appellant looking up at the camera.

The appellant's eye contact presented a minor weakness in non-verbal communication and the appellant's oral score of 4.5 for each scenario was appropriate.

Finally, with respect to the issue of "mentoring", the appellant claimed that he mentored. A review of the score sheets completed by the assessors and provided to the candidate during review finds that the assessors indicated that the candidate failed to "mention:" and then listed deficiencies in the test responses which were then the topics of this appeal. The assessors never identified a failure to "mentor." Thus, appellants appeal of the mentoring issue is moot.

CONCLUSION

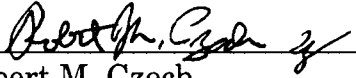
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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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