



B-13

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of John Church, Sr.,
Battalion Fire Chief (PM1515T),
Camden

Examination Appeal

CSC Docket No. 2017-1358

ISSUED: FEB 24 2017

(RE)

John Church, Sr. appeals his score on the examination for Battalion Fire Chief (PM1515T), Camden. It is noted that the appellant passed the examination with a final average of 85.460 and ranked fourth on the eligible list.

This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of 70 multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios; a Supervision, Administration and Incident Command scenario. All candidates received the same multiple-choice exam, but differing versions of the oral exercises were given based on the day the oral exam was administered. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the oral portion, candidates had 60 minutes to prepare for all three scenarios and had 10 minutes per scenario to present their response. For all three oral exercises, the candidate was to assume the role of a Battalion Fire Chief. Candidates were scored based on the content of their response (technical) and the how well they presented their response (oral communication). Both of these dimensions were scored on a scale of 1 to 5 with 1 being the lowest rating and 5 being the highest rating.

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral

communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. As part of the scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An SME also noted any weaknesses that detracted from the candidates overall oral communication ability. The SME then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

For the technical and oral communication components of the Supervision, Administration and Incident Command scenarios, the appellant received scores of 4, 3, 3 and 5, 5, 5, respectively.

The appellant challenges his scores for the technical components of each scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenarios were reviewed.

The Supervision scenario concerned two subordinates of a newly appointed Battalion Fire Chief. Captain Clark and Captain Zuniga have been having trouble working together and differ on many points about how duties should be divided among the companies, such as how and when the station should be cleaned and what groceries should be brought in and by whom. These problems seem trivial, but they have started the spill over into other areas of work. For example, they fail to coordinate training sessions when both companies should be training together, and there have been disagreements at emergency scenes. The candidate has spoken to both of them informally about the need to get along, but now the situation is out of control. The candidate walks into a lunchroom where they are in a shouting match in front of several fire fighters. Captain Zuniga calls Captain Clark a very strong expletive and Captain Clark retaliates by calling Captain Zuniga a racial slur. The scenario asked candidates to answer the questions based on the text *Managing Fire*

and *Emergency Services* and their experience. Question 1 asked for specific actions to be taken now and in the future. Question 2 indicated that, after preliminary actions, relations have not improved between the two fire captains. In fact, it seems that the situation is worse because now there are problems between the members of their respective fire companies. Question 2 asked for specific actions that should now be taken based on this new information.

For the Supervision scenario, the SME indicated that the appellant missed the opportunity to immediately separate the two Fire Captains to end the confrontation (question 1). On appeal, the appellant argues that he met with each Fire Captain separately, which means they were separated.

In reply, instructions to candidates which are read after the questions state, "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score." Question 1 asked for specific actions to be taken *now* and in the future. The candidate has walked into a lunchroom where the Fire Captains are in a shouting match in front of several fire fighters. The appellant began his presentation by stating, "My answer to supervisory question number one is I would take immediate action. I would place both companies out of service. I will speak with both officers in private and ask both officers to review the training policy within the department. At this time, I want to inform both officers that this type of behavior will not be tolerated." The appellant has not separated the Fire Captains, nor has he met with each Fire Captain separately as he states on appeal. Instead, his first action was to place both companies out of service, and then he took both officers into a private room and asked them to review the training policy within the department. He clearly did not separate the two fire Captains to end the confrontation. Also, while he received credit for speaking with each fire captain individually, he did not clearly take that action. As such, the appellant should not have received credit for speaking with each fire captain individually. Without that action, his score for this component should be lowered from 4 to 3.

The Administration scenario indicated that the department responded to a fire that was believed to be a one-story, abandoned warehouse. However, upon arrival, it was discovered that the warehouse had recently been converted into a childcare center. While there were no major injuries, the Incident Commander's strategy and tactics were severely affected by the change of use and occupancy. The Fire Chief has called the newly appointed Battalion Fire Chief into his office to discuss the situation, and tasked him with investigating the incident and to revise the department's current pre-fire plan procedure. The scenario asked candidates to answer the questions based on the text *The Fire Chief's Handbook* and their experience. Question 1 asked for specific steps to be taken to investigate the incident and the lack of an updated pre-fire plan. Question 2 asked which should be included in a pre-fire plan standard operating guideline/procedure (SOG/SOP).

For the Administration scenario, the SME indicated that the appellant missed the opportunities to address the likelihood of consequences/escalation of events (question 2), and to contact the building owner (question 1). On appeal, the appellant argues that the "end result was taken care of when the committee was formed and policies and procedures were update[d] and all parties were informed."

In reply, again, credit is not given for information that is implied or assumed. The appellant had been very specific about who he would contact. He stated he would interview any supervisor on the scene, speak to witnesses, review social media film, and speak to the incident commander on the scene. However, he did not contact the building owner. The appellant did not provide a comprehensive response to question 2, but discussed a training program instead, and kept the Fire Chief apprised of his progress. He thanked the Chief for the opportunity to develop "the program," and said he looked forward to developing more programs in the future. This was completely off topic and was not responsive to the questions. The appellant did not mention the building owner at any point, and his responses do not warrant a score higher than a 3.

The Incident Command scenario involved a report of a fire at a local paint store. It is 2:00 PM on a sunny afternoon in April, 55 degrees Fahrenheit, and the wind is blowing from west to east at five miles per hour. The fire building is a one-story, lightweight wood-frame constructed taxpayer with a truss roof of measuring 150 feet by 75 feet. The paint store measures 20 feet by 75 feet. The side B exposure is a glass and mirror store, while the side D exposure is a liquor store. Upon arrival, the candidate sees fire and smoke emanating from side A of the paint store. An employee states that the fire spread quickly throughout the store and he believes some customers and employees may not have escaped. The scenario asked candidates to answers the questions based on the text *Fire Officer's Handbook of Tactics* and their experience. Question 1 asked for specific actions to be taken upon arriving at the scene. Question 2 indicated that, during overhaul, the roof collapses over the paint store trapping several fire fighters. Question 2 asked for specific actions that should now be taken based on this new information.

For the Incident Command scenario, the SME indicated that the appellant failed to attempt to contact the trapped firefighters, which was a mandatory response to question 2. He also indicated that the appellant missed the opportunity to switch fire operations to another frequency (in question 2 after the collapse). He used the "flex rule" to assign a score of 3. On appeal, the appellant argues that the scenario did not indicate that firefighters were trapped. He states that he withdrew, ordered a Personnel Accountability Report (PAR), and asked for a "LUNAR."¹

¹ A LUNAR is an acronym used to help firefighters remember the important information that should be included in any Mayday call: L-Location; U-Unit; N-Name; A-Assignment and Air Supply; and R-Resources Needed.

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 the mandatory responses get a score of 3, and additional responses only increase a score to 4 or 5.

For the Incident Command scenario, the point of question 2 was to get the candidate's responses in dealing with trapped firefighters. A review of the appellant's video and related examination materials indicates that the appellant conducted a PAR and received credit for this action. This was another mandatory response to question 2. He also activated the Rapid Interview Crew, another mandatory response. These actions indicate that he was aware of trapped firefighters. After requesting a roll call, he said he would institute a LUNAR, and he named the information that this represented. However, he did not say how he would get that information, except to say that it was instituted. He asked a question, "What are their locations?" but this provides no evidence of how he intends to find this information. In any event, he did not attempt to contact the trapped firefighters, and he missed the actions noted by the SME. As he did not give a mandatory response, his score for this component is correct.

CONCLUSION

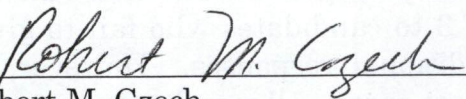
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the score for the Supervision component of the arriving scenario be reduced from 4 to 3.

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 22nd DAY OF FEBRUARY, 2017



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