





respond to each. For the Arrival 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, fire fighting 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 in the technical component for some scenarios, 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.

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 scenarios, and for oral communication, the requirements for each score were defined. For the Evolving scenario, the appellant scored a 4 for the technical component and a 4 for the oral communication component. For the Administration scenario, the appellant scored a 5 for the technical component and a 3 for the oral communication component. For the Arrival scenario, the appellant scored a 3 for the technical component and a 4 for the oral communication component.

The appellant challenges his scores for the technical component of the Evolving scenario, and the technical and oral communication components of the Arriving scenario. As a result, the appellant's test material, audiotape, and a listing of possible courses of action for the scenarios were reviewed.

The Evolving scenario involved a report of smoke coming from a brick and wood joisted ranch home built in the 1960s. The candidate is the interior division supervisor. An occupant indicates that the fire started in the bathroom over the garage, which was under renovation. The question asked for initial actions both in route and upon arrival as the interior division supervisor. In the evolution of the scene, a member of the candidate's crew falls through a section of the floor under renovation, possibly through to the garage. This question asked for actions that should be taken and requests to the Incident Commander (IC) to address the situation.

For the technical component of the Evolving scenario, the assessor noted that the appellant missed the opportunity to request EMS, which was an additional response to question 2. On appeal, the appellant argues that he requested EMS for



injured firefighters and civilians. He maintains that he notified the hospital, and transported the firefighter to the hospital in response to question 2.

In reply, in this scenario, the candidate is not the IC, but is the interior division supervisor. As such, the candidate is not responsible for requesting EMS upon arrival. A review of the appellant's video indicates that, in response to question 1, upon arrival he met with the IC and asked what resources had been called and the strategic needs. He then stated, "I would ah expect him to have called already certain resources. Ah, he already struck a second alarm, I believe, ah, possibly a third alarm if there is a significant amount of fire at this point, ah, at least at staging, I would hope. Ah, all utilities should have been notified, gas, electric, water, um, EMS, to treat for firemen and for any injured civilians, police to control traffic, um, the safety chief, a ah accountability officer, a water resource officer, ah in case additional water supplies should be needed if the situation should escalate. As for my own ah engine company and subsequent engine companies, I would pull past the fire building to ensure that I got a 360 view of the building, or at least three-sided I should say, of the building." The first sentence in the passage above is not a direct response to the question, which asked for initial actions both in route and upon arrival, as confirming the actions of the IC is not an expected initial action of the interior division supervisor. It was expected, however, that when a member of the team fell through the floor, his captain would make a request for EMS to the IC. The appellant stated that from the IC he would request the Rapid Intervention Team, additional officers, lighting, a hoseline, a separate radio frequency, an additional rescue company, and a shoring unit. He also asked the IC to notify a chaplain, the hospital, additional PD units to help transport the member to the hospital, and the member's family. Instructions to candidates stated, "in responding to these questions, do not assume or take for granted that general actions will contribute to your score." The appellant did not request EMS from the IC, and his response of having the police transport the fallen firefighter was not acceptable. His score of 4 is correct.

The Arrival scenario concerned a report of smoke on the first floor of a water treatment facility. The candidate is the company officer of Engine 5 and the highest ranking officer on-scene. The scenario indicates that, upon arrival, the candidate sees no visible smoke. He is met by the facility manager who is unsure if all staff is out of the building, and who indicates that there is storage of chlorine for water treatment operations near the utility room. He believes the fire started in the utility room as a malfunction of the natural gas furnace. As the candidate walks away, he sees conditions rapidly changing and heavy smoke emitting from the roof and second floor windows. Question 1 asked for main concerns regarding this incident. Question 2 asked for actions to take to fully address the incident.



The assessor noted that the appellant failed to perform a detailed size-up, which was a mandatory response. It was also noted that the candidate missed the opportunity to check SDS sheets. He used the "flex" rule to apply a score of 3. On appeal, the appellant argues that he spent the first two minutes discussing building construction and actions to be taken. He states that later on he continued to give size-up factors and the actions dictated by them.

First, 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 assessors to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, the assessors cannot provide a score higher than a 3 in those cases. The appellant's response regarding building construction was in reference to question 1, the main concerns at this incident. In response to question 2, the appellant indicated that he would perform a brief size-up, and he had already mentioned his size-up factors. His response warrants credit for the mandatory response of performing a detailed size-up. As such, his score for the technical component for this scenario should be changed from 3 to 5.

For the oral communication component, the assessor indicated that the appellant displayed a weakness in confidence by not clearly stating offensive versus defensive attack, and using uncertain language throughout the presentation, such as "2½ inch line from unburned to burned hopefully put out the fire." On appeal, the appellant stated that he used the word "perhaps," not "hopefully," when referring to the line, and that he clearly stated both attack terms.

In reply, a weakness in confidence is defined as failing to demonstrate certainty about his position, and using words such as "might" or "could" instead of such words as "will" and "must." Demonstrating confidence and certainty is observable by the use of pauses to reorganize, through demeanor, by word usage, and by actions. A review of the appellant's presentation indicates a minor weakness in confidence. For example, the appellant stated, "I would expect the engine companies to pull to a point that's advantageous without going past the building in the event there's chlorine." There is a lack of confidence in this as it is not a decisive command, but rather an expectation, and the appellant does not mention what he would do if they were not to pull "to a point that's advantageous without going past the building." In fact, he continues with "Normally, an engine company would pass the building, but in this case if they are coming from that direction, they may not want to go in that, past the building situation where they're exposed to any chlorine if (indistinct words) involved." If the engine company will pull past the building and the appellant deems it unsafe, it is incumbent upon him as the IC to provide clear and distinct orders. The appellant is not confidently providing orders in this passage.



Just after this, the appellant stretches a 2½ inch handline stating, "We need a large amount of water perhaps to extinguish the fire and it can also be used later on in the event we have to go to defensive operation. And I should have stated that, that my established command had identified that it is an offense or defensive attack at that time, but the 2½ inch line can be used for that." The use of the word "perhaps" similar to the use of the word "hopefully," and that it implies that the appellant is uncertain of the outcome with this hoseline. Either he knows he needs a large amount of water, or he does not. Additionally, the responses to questions regarding these scenarios should not be theoretical. Rather, the candidate was expected to take definitive actions. In other words, he should state whether his attack his offensive or defensive based on the information provided, not state that he would say whether it was offense or defensive.

The appellant stated, "I would try, the objective would be to stretch the line to locate, confine and extinguish the fire in the rear. I would be stretching a line through the front door side a, straight to the back, hopefully pushing it from the unburned ah, to the, to the burned so we're not pushing the fire into other parts of the building." In this passage, the appellant used the words "try" and "hopefully," which indicate a lack of decisiveness. Later, regarding vertical ventilation by the ladder company, he states, "Again, if, if, if it's a steel-webbed joist they may not want to be entering the roof area without the assist of the backhoe, a tower, a bucket, or something to work off of." Here, he does not say, as the IC, that the members should not be working directly on the roof. There are other examples as well. The appellant's presentation contained the weakness noted by the assessor, and his score for this component will not be changed.

## CONCLUSION

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

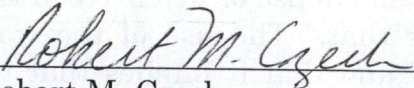
## ORDER

Therefore, it is ordered that the technical component for the Arrival scenario be changed from 3 to 5 and the remainder of the 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 17<sup>th</sup> DAY OF MAY, 2017

  
\_\_\_\_\_  
Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Spero Leakas  
Michael Johnson  
Records Center