



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kevin McElroy,
Fire Chief (PM1748U), Hamilton Fire
District #2

CSC Docket No. 2017-2451
~~2504~~

Examination Appeal

ISSUED: MAY 19 2017 (RE)

Kevin McElroy appeals his oral scores on the promotional examination for Fire Chief (PM1748U), Hamilton Fire District #2. It is noted that the appellants failed the examination.

An oral examination was developed for the title Fire Chief consisting of questions based on four scenarios. Each scenario was developed from a task or tasks that incumbents or supervisors of incumbents deemed important to job performance. Each question was designed to elicit responses that could be used to assess knowledge of these important areas, and candidate responses were then evaluated by trained assessors, each of whom is a Subject Matter Expert (SME) in the field of fire fighting. The assessors compared each candidate's performance to predetermined performance guidelines or possible courses of action (PCAs). The oral assessment exercises measured behaviors in the following knowledge areas: Supervision, Fire Department Administration, Finance - Budget Preparation, and Fireground Operations Management.

For each scenario, candidates were scored on two components, technical and oral communication. The scores for the technical component were assigned by the fire SME, and scores for the oral communication component were assigned by a staff representative trained in oral scoring. 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.

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. The appellant received the following scores for the technical component for each question, in order: 1, 3, 3, and 1. He received a score of 3 on each oral communication component.

On appeal, the appellant challenges his score for the technical components of the Supervision, Fire Department Administration and Fireground Operations Management scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

CONCLUSION

The Supervision scenario indicated that the Mayor informs the candidate that the Fire Department is over budget in repair and maintenance of apparatus and equipment, claiming that maintenance reports, and repair orders, budget justifications, and related procedures are confusing, outdated, and make little to no sense. The Mayor states that the current system is causing a significant waste of money and effort, and asks the candidate to do something about it. The scenario indicates that there are several new promotions to Deputy Fire Chief (DFC) and company officer line positions, in addition to the Fire Chief appointment. At a monthly meeting, the candidate informs the DFCs that the Mayor believes the Fire Department is suffering from organizational stagnation, and the candidate orders the DFCs to review their areas of responsibility and submit detailed reports and recommendations at the next meeting. Most of the DFCs submit detailed reports, however, two of the newly appointed DFCs state that they delegated that assignment to company officers but did not receive reports back. DFC Hicks stated that his officers told him there was nothing wrong with the current system and see no reason to change anything, and he agrees with them. DFC Hudson states that he had other, more pressing assignments, and did not have time to ensure that the reports were done. The scenario asked candidates to respond to the questions based on the texts *Managing Fire and Emergency Services* and *The Fire Chief's Handbook*, and their experience. Question 1 asked candidates for specific actions to be taken regarding the failure of the two DFCs to submit their reports as ordered. Question 2 asked for actions to be taken to improve/guide the DFCs with their assignment.

The assessor noted that the appellant missed the opportunities to inform them that he has an open door policy for any help or advice they need (Question 2);

have DFCs seek input from outside sources (e.g., other DFCs, other departments) (Question 2); advise them of the benefits of forming a committee from their personnel (Question 2); and clarify details on what the reports must contain (Question 2). On appeal, the appellant states that he should be able to handle simple reports without asking for outside input, and that he delegated suggestions, corrections and data collection.

In reply, the appellant's response to Question 2 was very brief and consisted of two suggestions to the DFCs. He said that submitted reports would help streamline a system in the future, and determining issues and taking their suggestions now could smooth out all aspects of reporting to fix ongoing problems such as budgets and replacements. These were two good reasons why reports should be submitted, but this was not a direct response to the question. The four actions listed by the assessor are legitimate actions that can be taken to improve or guide the DFCs with their assignment. The appellant provided no advice to the DFCs regarding their assignment, and his appeal that they should be able to handle simple reports without asking for outside input is unpersuasive. Additionally, he did not advise them of the benefits of forming a committee from their personnel. At the start of his presentation and in response to Question 1, the appellant stated that the DFCs are responsible for areas of responsibility and subsequent reports, and delegation for data collection, as well as suggestions and corrections, is okay, but should be compiled and submitted by the DFCs. This response has absolutely nothing to do with advising them of the benefits of forming a committee from their personnel in response to Question 2. The appellant did not provide an acceptable response to Question 2, and his score for this component will not be changed.

The administration scenario indicated that, prior to the candidate's promotion, the Fire Chief position was vacant for 2½ years, and DFCs were rotated through the position on 90-day cycles. During this time, there were numerous apparatus accidents and injuries resulting in a large number of [workers] compensation and civilian lawsuits, and which cost the city large amounts of money. The mayor has asked for the development and implementation of an occupational safety and health program. The scenario asked candidates to base their response on the *Fire Chief's Handbook* and their experience. Question 1 asked for key elements in developing an occupational safety and health program. Question 2 asked for the minimum required components of an occupational safety and health program.

The assessor indicated that the appellant missed the opportunities to identify goals, objectives and resources needed to establish the health and safety program (Question 1); and to analyze and improve emergency operations (RIT, rehab, EMS response, Hazmat) (Question 2). On appeal, the appellant stated that he suggested minimum standards and other information from outside agencies (other fire departments, insurance companies, police department, public works).

In reply, a review of the appellant's presentation and related documentation indicates and that he stated he would establish minimum "standards," and research other equivalent fire departments, size, community, to get a base rather than starting from scratch. The question asked for *key elements* in developing the program, and indicated to candidates that they should be as specific as possible in responding to the questions, and not assume or take for granted that general actions would contribute to their score. The appellant's response of establishing "minimum standards" is a general response, and does not identify goals, objectives and resources needed as part of those standards. Additionally, he researched other fire departments to establish these minimum standards, which is not the same as identifying the necessary resources for the program. The appellant missed the actions noted by the assessor. His responses to the questions were acceptable, but were not more than acceptable, and his score of 3 for this component is correct.

The Fireground Operations Management scenario involved a report of a dumpster fire. It is 1630 hours on a day in December, 34°F, and wind is blowing from south to north at 15 miles per hour, and gusting to 25 miles per hour. Upon arrival, initial units report that a dumpster and a backhoe are on fire in front of a three-story, light-weight, wood-frame construction building composed of 24 two-story condominium units that are under construction. Access to individual units are through breezeways. Aided by the wind, fire has extended through the breezeway blocking the main exits for four upper units in this section of the building, and flames have extended through the breezeway to the courtyard. Fed by the vinyl siding, fire has extended up the exterior of the courtyard and is impinging on the eaves of the roof. Five construction workers are currently on the second and third floor balconies on the courtyard side, awaiting rescue. One construction worker has jumped from a second floor balcony on side C and is in need of assistance. A second alarm has been struck, and the candidate's response as Fire Chief has been requested. The candidate arrives immediately behind second alarm units and finds that all first-alarm units are committed to rescue operations. As such, there has been no formal command system established, and second alarm companies are operating without any clear direction. The scenario asked candidates to base their response on the reference *Fire Officer's Handbook of Tactics*, and their experience. Question 1 asked for specific actions to be taken upon arrival to gain control of the incident scene. Question 2 indicated that, 15 minutes after the candidate's arrival, interior crews on division 2 report heavy fire involvement in the attic area. This question asks for specific actions to be taken after receiving the interior crew's progress report.

The assessor indicated that the appellant failed to assign crews to evacuate the remainder of the building (Question 1), to establish a Rapid Intervention Team (RIT) (Question 1), and to establish a collapse zone (Question 2). These were mandatory responses. On appeal, the appellant argues that the building was under

construction, and therefore there was nobody to evacuate. Also, he stated that there was no reason to establish a collapse zone as the fire was exterior, and that if roof members collapsed, there would be no structural involvement to wall members. He states that there is no worry of collapse with just attic involvement, and that there is no way to establish a collapse zone 1 to 1½ times the height of the building in close quarters with parking and other buildings.

In reply, all mandatory responses must be given in order for a performance to be more than 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. Additional responses only increase a score from 3 to 4 or 5.

The appellant does not argue that he took the mandatory actions noted by the assessor, rather, he argues that he did not need to take these actions. As noted above, the possible courses of action for the scenarios were developed by SMEs in conjunction with the texts, and the appellant's reasoning is in direct opposition to their recommendation. First, there were construction workers trapped in the balcony upon arrival. Following the appellant's reasoning, that it was unnecessary to evacuate the remainder the building, these are the only individuals in this entire 24-unit building, and therefore primary search would be unnecessary. This is simply incompetent firefighting. The appellant also did not establish a RIT, which was also mandatory.

In response to Question 2, the SMEs determined that there was a collapse potential given the additional information provided. The appellant is arguing that he did not need to establish a collapse zone as he did not see any collapse potential in a heavy fire involvement in the attic area. Again, he is simply mistaken, and his score of 1 from this component is warranted. The appellant fails to see mandatory actions that must be taken given the circumstances, and he missed many other actions for both questions as well.

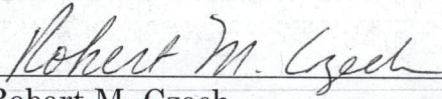
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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 17th DAY OF MAY, 2017



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