



**STATE OF NEW JERSEY**

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

In the Matter of Daniel Collins,  
Deputy Fire Chief (PM0130V),  
Clifton

CSC Docket No. 2018-187

Examination Appeal

**ISSUED:** May 2, 2018 (RE)

Daniel Collins, represented by Joshua Savitz, Esq., appeals the correct responses for the examination for Deputy Fire Chief (PM0130V), Clifton. It is noted that the appellant passed the examination with a final average of 88.990 and ranked fourth on the resultant eligible list.

The subject promotional examination was held on April 20, 2017 and four candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises; each was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command – Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command – Fire Incident.

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.

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. The appellant received a score of 4 for the technical component for the Incident Command – Non-fire Incident scenario, and challenges the PCAs for the scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Incident Command- Non-fire scenario concerned a report of a freight train derailment, with four cars carrying vinyl chloride, in the heart of the downtown commercial district which contains a mixture of both commercial and residential occupancies. Two of the cars have derailed, and one is leaking hazardous, carcinogenic material onto the ground. A nursing home manager has reported a slight odor detected outside of the facility. Question 1 asked for immediate actions to take upon arrival, and question 2 asked for actions that should be taken to address the nursing home.

The assessor noted that the appellant missed the opportunity to establish air monitoring stations, which was an additional action in response to question 1. It is noted that a diagram for this scenario showed two train employees on the tracks near the cars. The SMEs determined that an evacuation of the area was a mandatory response to which the appellant was informed that he received credit.

On appeal of this issue, the appellant argues that the removal of workers in the vicinity of the leaking and derailed rail cars should be a mandatory response. Additionally, he requests that the examinations for the other candidates be reviewed to ensure that they provided this response in addition to a general evacuation of the area. In support, he states that in a prior examination it was determined that a scenario involving a leaking derailed train found that an evacuation of the area was not sufficiently specific for the circumstances. *See In the Matter of John Durish, Deputy Fire Chief (PM2160R), Irvington* (CSC, decided October 1, 2014). Thus, the appellant asks the Commission to hold the candidates for this examination to the standard it held the candidates for Deputy Fire Chief (PM2160R), Irvington on a similar yet different examination. He asks for the other candidates to be rescored if they did not evacuate the two individuals near the train cars.

In reply, question 1 asked for immediate actions to take upon arrival. In this scenario, the SMEs determined that an appropriate mandatory response was to evacuate the immediate area, and the appellant received credit for this response. The appellant does not argue that he took the action that the assessor noted, but argues that evacuating the two workers near the derailed car should be a mandatory response, and that the examinations of other candidates should be rescored based on his criteria.

First, it is noted that each examination is separate, and the scoring criteria for one examination cannot be used to score a different examination. It is simply not psychometrically appropriate to score candidates for an examination using the scoring criteria for a different examination. In *Durish*, a gasoline tank car had a sizable leak and gasoline was flowing onto the rail bed, and onto Main Street below, *and possibly into the shops* below the tracks. As such, the SMEs determined that the appropriate mandatory response was to search and rescue/evacuate all surrounding occupancies (*e.g.*, theater, restaurants, shops, etc.), and a statement regarding an evacuation of the immediate area was not sufficient. In the current scenario, no hazardous material is leaking into shops, and the SMEs determined that an evacuation of the *immediate* area was appropriate. Evacuation of the immediate area includes the train workers standing near to the cars, and there is no need to change the PCAs to address two of many bystanders and other individuals in the immediate area located in the heart of the downtown commercial district. The PCAs will not be changed and the other examinations will not be rescored.

### 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.

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 2nd DAY OF MAY, 2018



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