



**STATE OF NEW JERSEY**

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

In the Matter of Michael McGreevy,  
Fire Captain (PM1020V),  
Belleville

Examination Appeal

CSC Docket No. 2019-501

**ISSUED:** September 24, 2018 (RE)

Michael McGreevy, represented by George McGill, Esq., appeals his score for the oral portion of the examination for the second-level Fire Captain (PM1020V), Belleville. It is noted that the appellant passed the examination with a final average of 82.150 and ranks fifth on the resultant eligible list.

This two-part examination consisted of a written multiple-choice test and an oral examination. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: written multiple choice portion, 34.91%; technical score for the Evolving Scenario, 27.11%; oral communication score for the Evolving Scenario, 1.75%; technical score for the Administration of Procedures Scenario, 10.75%; oral communication score for the Administration of Procedures Scenario, 2.5%; technical score for the Arrival Scenario, 21.23%; and oral communication score for the Arrival Scenario, 1.75%.

The oral portion of the second level Fire Captain examination consisted of three scenarios: a fire scenario simulation with questions designed to measure the ability to assess risk factors and strategies involved in fireground command (Evolving); a simulation designed to measure the ability to implement a program and the factors/problems associated with program administration (Administration); and a fire scenario simulation designed to measure the risk factors and strategies associated with an incident that could potentially involve a hazardous material (Arrival). For the Evolving and Administration scenarios, candidates were provided with a 25-minute preparation period for both, and candidates had 10 minutes to

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 5 for the technical component and a 5 for the oral communication component. For the Administration scenario, the appellant scored a 3 for the technical component and a 5 for the oral communication component. For the Arrival scenario, the appellant scored a 2 for the technical component and a 4 for the oral communication component.

The appellant challenges his scores for the technical component of the Administration scenario. As a result, the appellant's test material, videotape, and a listing of possible courses of action for the scenarios were reviewed.

The Administration scenario had two parts. The first part pertained to a Fire Fighter who did not follow proper procedures regarding ventilation and who did not attend the training scheduled as a result. In the second part, it was discovered that the Fire Fighter asked his father, a Battalion Fire Chief in the Department, to have the instructor cover for him missing the initial training assignment, and the Battalion Fire Chief did so. Candidates were to take additional actions to address both the Fire Fighter and the Battalion Fire Chief.

The assessor indicated that the appellant missed the opportunities to request a written statement from Fire Fighter Jenkins, which was a response to question 1, and to implement progressive discipline, which was a response to question 2. The appellant argues that he met with the Fire Fighter and had him commit to improving his performance. He also indicated that he commended him for coming in, indicated that he could have representation, and informed him of the

reprimands he could progressively receive if he did not improve his performance. He indicated that he said, “oral, written, so on and so forth up to termination.” The appellant argues that “the return to the academy, and a face to face meeting with the letter of commitment and explanation of steps of reprimand possible ending in termination is just discipline for his **initial** infraction.”

A review of the appellant’s presentation and related documentation indicates that, in response to the first part, the appellant had a meeting with the firefighter, documented his commitment, and included a union representative. The scenario indicated that the Fire Fighter had not attended the training. Nevertheless, that the appellant stated, “There will be no skullduggery. There would be no missing any parts of Fire Fighter training. And the Fire Fighter would be congratulated if he improved. He would be commended if he improved. If he did not improve he would be notified of the oral reprimand that he got, a written reprimand would be next, so on and so forth, up to termination. He would be made sure that he understands um, the course of action, and my, my incident action plan for this now changing would be that he did not show up for training. I want to find out why he did not show up for training. My problem is we need teamwork, we need proper training to get better, our knowledge, our skills, our abilities as fire fighters, as fire officers, and to respond to the different situations, we work as one.” It should be noted that responses are not taken out of context, nor are they scored a based on buzzwords. The appellant referred to the Fire Fighter attending the training, which he did not, and indicated that if he did not improve with his training there would be some type of progressive discipline. He received credit for advising the Fire Fighter of progressive discipline in response to the first part, although he did it indirectly, in reference to not improving in training rather than to not going to training. He did not request a written statement from Fire Fighter Jenkins.

As to the second part, the appellant referred to the Battalion Fire Chief and stated that he was not his supervisor, but would notify his supervisor. He then focused his response on the Battalion Fire Chief. At some point, he thanked the Battalion Fire Chief for his years of service and stated, “And I’m sure we’ll be able to get past this situation once we find out all the reasons, and maybe there was um, I would ask Fire Fighter Jenkins and his father, maybe there was a reason he had to miss. Um, possibly a personal reason. I would offer employee assistance programs. Um, I would have them be checked as far as medically. Make sure he was fit um, mentally for the job, and if there were any underlying issues in Jenkins’ family that could be helped through the department to make sure that this doesn’t happen again. Ah, the Jenkins family is a very important part of our organization, and we will conduct a thorough, a thorough investigation and offer all assistance to the Jenkins’ family if there is an underlying issue or a problem.” He then thanked them, mentioned an open-door policy and informed the Chief. At no point did he implement progressive discipline for Fire Fighter Jenkins in response to the new

information, and his discussion about progressive discipline was indirect in response to the first part. If the appellant meant to **implement** progressive discipline, he needed to have stated that he was doing so in response to the cover up, not rely on a vague reference to it when the Fire Fighter did not improve with training. The appellant missed the responses noted by the assessor, and his score for this component is correct.

### 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 ON  
THE 20th DAY OF SEPTEMBER, 2018



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