



**STATE OF NEW JERSEY**

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

In the Matter of Joshua Carter,  
Deputy Fire Chief (PM0331A),  
North Wildwood

CSC Docket No. 2020-976

Examination Appeal

**ISSUED:** November 20, 2019 (RE)

Joshua Carter appeals his score on the examination for Deputy Fire Chief (PM0331A), North Wildwood. It is noted that the appellant failed the examination.

The subject promotional examination was held on April 16, 2019 and one candidate 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 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: 2, 2, 3 and 2. He received the scores of 4, 4, 3, and 3 for the oral communication components.

The appellant challenges his scores for each technical component. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Non-Fire Incident scenario pertained to an explosion in a defunct chemical plant which is a superfund site. This question asked for concerns, orders, actions, and requests to fully address the incident. The assessor indicated that the candidate failed to establish hot, warm and cold zones. He also indicated that the candidate missed the opportunities to request or establish a decontamination unit, and to assign a Liaison Officer. On appeal, the appellant argues that he stated that the command post would be located upwind, the area would be monitored by firefighters with self-contained breathing apparatus (SCBA) utilizing meters to determine safe areas, and considered evacuation of surrounding buildings. He also stated that he established a unified command post, and assigned a Public Information Officer (PIO).

In reply, the appellant received credit for conducting atmospheric air monitoring, considering evacuation of surrounding buildings, establishing a unified command post, and assigning a PIO. These are all separate responses from those listed by the assessor. Indeed, conducting atmospheric air monitoring and evacuating downwind residential areas were two other mandatory responses. In the examination booklet, before the questions the instructions state, "In responding to the questions, as specific as possible. Do not assume or take for granted that general actions will contribute to your score." Giving these other mandatory responses does not indicate that the appellant was aware that he should be establishing hot, warm and cool zones. Locating his command post upwind is not the same. That argument implies that every time a command post is located upwind, hot, warm and cold zones would be established. That is not the case. This was a Hazmat incident, and the Incident Commander would be remiss if he did not establish hot, warm and cold zones. It is unclear how the appellant equates establishing a unified command post, and assigning a PIO, with assigning a Liaison Officer. Regardless, these are different actions from assigning a Liaison Officer, an action which the appellant did not take. He also did not establish a

decontamination unit. The appellant missed the actions as noted by the assessor, including a mandatory response, and his score of 2 for this component is correct.

The supervision scenario pertains to an incident where an engine company did not show up at an elementary school on a scheduled day for fire prevention week although it had known of the obligation for weeks. The candidate is to investigate the incident, and question 1 asked for initial and specific steps to take to investigate the incident. Question 2 indicated that a neighborhood resident asked why that morning an engine was placed on the firehouse ramp outside with the bay door closed. He also states he saw a couple of under-clothed women leaving the rear of the station and over heard one mention a “birthday gift.” This question asked for actions to be taken based on this new information. For this scenario, the assessor indicated that the appellant missed the opportunities to review Captain Seguras’ file, to advise members of potential discipline, and to interview the entire crew from that shift individually. The first comment referred to question 1 while the second and third referred to question 2. On appeal, the appellant states that he interviewed the crew and advised them of the possibility of discipline.

In reply, prior to reading the test questions for this scenario, and the monitor read the instructions to be as specific as possible and not assume or take for granted that general actions would contribute to a score. Thus, the appellant was on notice that he could not receive credit for information that is implied or inferred. A review of the appellant’s presentation indicates that in response to question 1, he interviewed the crew to see if the Captain passed down the information regarding the scheduled event. However, this interview pertained to the absence of the crew for the fire prevention week event. In response to question 2, the appellant did not interview the entire crew from that shift *individually* regarding the neighbor’s information. Rather, he stated, “Ah, I would speak to all the members. Ah, after speaking to the Captain I would speak to all the members to see if ah, the information was true. Um, saying that there were visitors in the firehouse and it confirmed who those visitors may have been.” The SMEs determined that it was appropriate to speak to the Firefighters separately.

Regarding discipline, the assessor indicated that the appellant did not inform firefighters of potential discipline. In his presentation, the appellant stated that if visitors were in the firehouse, he would recommend to the Chief that the Captain be removed from duty or “assigned to staff” during the investigation and until it is completed. In any event, the appellant did not address potential discipline with the Firefighters, and he did not mention to the Captain that he might be disciplined. The candidate missed the response is listed by the assessor, as well as many additional responses as for question 2, and his score of 2 for this component will not be changed.

The Administration scenario indicated that the Mayor wants the fire department's sexual harassment policy updated, and once updated, all members should be trained on the new policy. Question 1 asked what specific actions should be taken to complete this assignment. Question 2 indicated that the Mayor wants every firehouse in the city to be in compliance with all sexual harassment policies in anticipation of two females graduating from the academy. This question asked what further actions should be taken given this new information.

For the technical component, the assessor noted that the appellant missed the opportunities to ensure all inappropriate postings/magazines/posters are removed from all firehouses in your city, and to incorporate gender related policies into the training program. Both of these actions are related to question 2. On appeal, the appellant argues that he reviewed all departmental policies, implemented new policies to address potential gender issues, assessed firehouses to ensure adequate appropriate accommodations for female firefighters, and reviewed the policies involving proper attire in the station.

In reply, in the examination booklet, before the questions the instructions state, "In responding to the questions, as specific as possible. Do not assume or take for granted that general actions will contribute to your score." In response to question 1, of the appellant received credit for reviewing all departmental policies and creating an updated sexual harassment policy. He mentioned training for all members as well, and stated, "In addition, we'll have to survey ah all the current facilities, fire stations ah, to determine if they have the accommodations. And also identify what areas and what stations need to be improved to ensure that all the fire stations can be, accommodate the female firefighters." This response indicates that station should be improved and surveyed to see if they have appropriate accommodations. But that does not specify that the appellant would ensure all inappropriate postings/magazines/posters are removed from all firehouses in his city. Also, the appellant received credit in question 1 for training on the new policy. In his response to question 2, to the appellant did not state that he would incorporate gender-related policies into the training program. The appellant did not take the actions listed by the assessor, and his score of 3 for this component is correct.

The Fire Incident scenario pertained to a fire in a six-story, heavy timber, resort hotel. Question 1 asked for specific initial actions to take upon arrival. Question 2 indicated that during the fire attack the water main loses all pressure. This question asked for specific actions that should now be taken based on this new information. The assessor indicated that the appellant failed the call for a personnel accountability report (PAR), which was a mandatory response to question 2. It was also noted that the appellant missed the opportunity to give a size up to dispatch, and to get a multi-sided view walk-around of the building, which were

additional responses to question 1. On appeal, the appellant argues that he assigned a Safety Officer for personnel accountability.

In reply, question 2 indicates that the water main loses all pressure during a fire attack. At this point, it is mandatory that the Incident Commander conduct a PAR, and he is remiss if he does not do so. The appellant argues that, since he assigned a Safety Officer as an initial action, the Safety Officer would be conducting the PAR. However, this argument is insufficient to establish that the appellant knew that he was responsible for conducting a PAR. If the appellant had stated that the Safety Officer would conduct a PAR, he would have received credit. But he did not mention it, and credit cannot be given for information that is implied or assumed. The appellant missed this action, which was mandatory, and the other actions listed by the assessor as well. As he missed a mandatory response, the appellant's score of 2 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.

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 20<sup>th</sup> DAY OF NOVEMBER, 2019



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