

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, 5, 4 and 2. He received the scores of 4, 5, 5 and 4 for the oral communication components.

The appellant challenges his scores for the technical components for the Incident Command – Non-fire Incident, Administration, and Incident Command – Fire Incident scenarios. 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 ensure all units approach from uphill/upwind, and failed to evacuate downwind residential areas. He also indicated that the candidate missed the opportunity to appoint a Liaison Officer. On appeal, the appellant argues that he stated that he notified all incoming units that air quality was compromised and the general vicinity and that the command post would be located at least one block away upwind and uphill of the incident; he expressed concern of the effects of the smoke on downwind exposures; the size and scope of the potential evacuation zone would strain staffing and hamper operations, creating great difficulties; he used MSDS sheets and the DOT guidebook to determine the size of the evacuation zones; and he used loudspeakers as part of his evacuation process.

In reply, the appellant received credit for conducting atmospheric air monitoring, indicating that there was an unknown Hazmat material involved, indicating the proximity to residential areas, and establishing hot warm and cold zones. These are all separate responses from those listed by the assessor. 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 other responses, such as locating the command post uphill and upwind does not indicate that the appellant was aware that he should ensure all units approach from uphill/upwind. That argument implies that every time a command post is located upwind, all units will approach from uphill/upwind. That is not the case. This was a Hazmat incident, and the Incident Commander would be remiss if he did not ensure all units

approach from uphill/upwind. The appellant did not specify where the command post was, nor tell the incoming units to approach from that side.

The appellant also did not take the action of evacuation of downwind residential areas. The appellant stated, "I'm worried about the wind and the dispersion of the chemicals that may be in the wind and the smoke that may be involved here, um, affecting the downwind exposures which are all ah residential areas on the charley side as well as um water runoff and effect of the river that is just beyond the, the residence." This response, taken in context, as a concern about the wind speed and direction, which was another mandatory response. It is not the response of a vacancy and downwind residential areas.

At another point, he stated, "Evacuation zones, and evacuating a large number of people ah, will cause ah, difficulties so we're gonna have ah personnel problems that we're going to deal with as far as my resources that I will be using. We'll utilize the MSDS sheets um and the DOT guidebooks to guide us for our evacuation zones." The first sentence pertains to planning for Staffing Resources for an evacuation. The second one pertains to establishing zones. Neither is an order to evacuate downwind residential areas. Again, information cannot be given for information that is implied or assumed. This was a formal examination setting, and candidates were required to articulate their responses to the scenarios, rather than imply them.

The appellant stated, "Ah, we're concerned about search and rescue of the exposures. Um, just because the building is, is vacant ah for operations doesn't mean that there wasn't um any squatters or anybody else in any of the exposures. We're going to look to protect the river and the runoff from the site to make sure we don't enter ah the waterway. Uh, we're going to dike, divert and dam any runoff and try to collect that as best we can with any Hazmat material team. Ah, we're going to move any people via loudspeaker as part of our evacuation process and the concern of the amount of work that needs to be done here um will cause us for a third alarm." This passage is difficult to follow. The appellant expresses a concern of a search and rescue of the exposures, indicates that could be squatters in the building, and indicates that there could be other people in the exposures. He then refers to containing runoff, and then indicates he would move people via loudspeaker in an evacuation process which would require a third alarm. The appellant was not specific that he was evacuating downwind residential areas rather than the industrial complex. The appellant then assigned duties to his companies, and those duties did not include evacuation. The appellant stated that the third alarm will stage two blocks away, the third alarm chief will be the staging area officer, and they will await orders.

Later, the appellant stated, "Ah, we want to make sure that the exposures, the other buildings are handled, as far as primary search, as far as utility control,

as she said she can set the ah, for the building and for the area. We want to make sure that ah, we notify or we make sure that none of the other buildings have Hazmats present, or that they are leaking, or they could ah become an exposure and another problem for us.” There is no specific reference here to the residential areas downwind, and the Hazmat structure is nestled among the other buildings that are part of the industrial complex. The appellant cannot receive credit for evacuation of downwind residences when he did not indicate that he would do so. He also did not appoint a Liaison Officer. The appellant missed the actions as noted by the assessor, including two mandatory responses, and his score of 2 for this component is correct.

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 opportunity to form a committee of all stakeholders in response to question 2. On appeal, the appellant argues that he thanked the Chief, met with the legal department, human resources, and risk management, indicated he had an open-door policy, requested a union representative be consulted, met with the female firefighters, acknowledged the Chief and the Mayor in response to question 2, recognized assistance from other city departments, and emphasized a team approach.

In reply, the appellant was on notice that he could not receive credit for information that is implied or inferred. In his appeal, the appellant lists general actions regarding individuals that he contacted to complete his assignment in response to question 1. Many of these responses contributed to his score 4. However, these responses do not equate to forming a committee of all stakeholders as a further action to take based on the mayor’s new concerns, one of which was working with the union to ensure that bathroom use, and appropriate sleeping and workout attire were fully addressed and distributed via memo to all members. In his response to question 2, the appellant did not form a committee of all stakeholders. He merely thanked the Chief and the Mayor, acknowledged the help from other cities, and contacted the union representative for input and assistance, and for follow-up. These actions do not constitute forming a committee of all stakeholders. The appellant did not take the action listed by the assessor, and his score of 4 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 opportunities to get a multi-sided view walk-around of the building, and to assign a Public Information Officer (PIO), which were additional responses to question 1. On appeal, the appellant argues that he conducted a thorough size up, gave a location for his command post, established a water supply from the lake on side C, and decentralized the interior of the structure by assigning divisions 1 and 2.

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 did not take this action. Regarding additional responses, the appellant argues that, since he conducted a size up, located his command post, established a water supply from the lake, and decentralized the interior of the structure, he had performed a multi-sided view walk-around of the building. Again, this argument is based on assumptions rather than what the appellant said. If the appellant had stated that the Safety Officer would perform a multi-sided view walk-around of the building, 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, and the other actions, including 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 20th DAY OF NOVEMBER, 2019



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