



STATE OF NEW JERSEY

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

In the Matter of David Bialas,
Fire Captain (PM1028V),
Elizabeth

Examination Appeal

CSC Docket No. 2019-2515

ISSUED: May 9, 2019 (RE)

David Bialas appeals his score for the oral portion of the promotional examination for Fire Captain (PM1028V), Elizabeth. It is noted that the appellant passed the subject examination with a final score of 86.520 and his name appears as the fifth ranked eligible on the subject list.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (arriving). Knowledge of supervision was measured by questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving 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, firefighting 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, 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 scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 3 for the technical component, a 4 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 5 for each component. The appellant challenges his score for the technical component of the evolving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involved a fire in the computer lab of a high school. For the technical component, the assessor assigned a score of 3 using the "flex rule." He noted that the candidate failed to operate in teams of two. It was also noted that he missed the opportunity to ladder the building. These were PCAs for question 1, which asked candidates to describe in detail the orders they would give their crew to carry out their assignment from the Incident Commander (IC). On appeal, the appellant states that he said he chose to keep his company of four together, he found the adult victims quickly, and all members were needed to remove them. He states that he kept the company together to supervise them and prevent freelancing, and because the building was large, there was poor visibility and he had to use ropes. He also maintains that he indicated that he would use the aerial for rescue and roof operations, and placed it on the alpha/bravo corner for maximum scrub area.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, a score higher than a 3 cannot be provided in those cases.

This building was large, measuring 260 feet by 195 feet, and was three stories, and the ICs orders were to perform primary search and rescue with ventilation. The SMEs determined that it was mandatory in these conditions to operate in teams of two. This was an action which should have been given in response to question 1, prior to finding the two victims. As noted in question 2, additional manpower was available for the victims as the IC had indicated that Ladder 2 had arrived. The appellant should have split his crew into teams of two prior to knowing that they would find the victims mention in question 2 in order to complete his assignment. If a supervisor keeps a company together to supervise them and prevent freelancing, then the supervisor does not have his team under control, or is micromanaging. Those are not valid reasons for not splitting the crew.

Also, at the end of every scenario and prior to the questions, instructions state, "In responding to the questions, make sure your actions directly relate to the scenario. Do not assume or take for granted that general actions will contribute to your score." The appellant stated, "Ah, once on scene I will place my apparatus on the alpha/bravo corner of the old building of the Rowland high school. Ah, this will allow me to utilize my aerial device for rescue operations, ah group operations and to maximize my scrub area." In this passage, the appellant stated where he would place his aerial ladder, and why, but this is not the same as laddering the building. The appellant missed a mandatory response and his score of 3 using the flex rule is correct.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that the decision below is supported by the record in part.

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 9th DAY OF MAY, 2019



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