



**STATE OF NEW JERSEY**

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

In the Matter of Thomas Fowler Jr.,  
Fire Captain (PM1028V),  
Elizabeth

Examination Appeal

CSC Docket No. 2019-2178

**ISSUED:** May 9, 2019 (RE)

Thomas Fowler Jr. 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 84.840 and his name appears as the 11<sup>th</sup> 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 2 for the technical component, a 5 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 2, and noted that the candidate failed to begin a primary search on the first floor, and to operate in teams of two. It was also noticed 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 would conduct a systematic search, room by room, in teams of two with no freelancing. He also states that in response to question 2 he told command where the search ended and that the primary search and ventilation progress had been stopped.

In reply, 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.” 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 appellant stated, “With our guide ropes we’d be anchoring outside of the structure and in any change of direction to ensure no crew members were lost. And we’d also be conducting a systematic search, ah room by room, in teams of two with no freelancing. And all members would stay in constant communication with each other and ah, myself.” In this response, the appellant stated that he would operate in teams of two. However, he was not specific with regard to his search. He did not state that he would begin the primary search on the first floor, only that it would be systematic, which does not provide the detail necessary for the crew to carry out the assignment. Additionally, telling the IC where the search ended was not the same as stating where it was to begin.

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. Beginning a primary search on the first floor, and operating in teams of two were both mandatory responses. The appellant stated that he would operate in teams of two. Thus, he missed only one mandatory response and he stated many additional responses. As such, using the flex rule, the Division of Test Development and Analytics changed the appellant’s score for the technical component from 2 to 3.

## **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 9<sup>th</sup> DAY OF MAY, 2019



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