



STATE OF NEW JERSEY

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

In the Matter of Clifford Rogers Jr.,
Fire Captain (PM1027V),
East Orange

Examination Appeal

CSC Docket No. 2019-2575

ISSUED: May 9, 2019 (RE)

Clifford Rogers Jr. appeals his score for the oral portion of the promotional examination for Fire Captain (PM1027V), East Orange. It is noted that the appellant failed the subject examination.

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. 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 3 for the supervision component, and a 3 for the oral communication component. For the arriving scenario, the appellant scored a 1 for the technical component, a 2 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical and oral communication components of the evolving scenario, and for the technical and supervision components of the arriving 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 a bar area that has spread to the second and third floors of a five-story hotel of ordinary construction. Upon arrival, the fire is knocked down and the Incident Commander (IC) orders the candidate, who is the supervisor of the second responding ladder company, to begin salvage and overhaul operations on the first floor. Question 1 asked candidates to describe their initial actions in detail, including descriptions of techniques, life safety concerns, and building construction considerations. The assessor noted that the appellant missed the opportunities to describe dewatering procedures, and to check carbon monoxide levels. On appeal, the appellant stated that he mentioned not to use excess water to ensure that they were not damaging property.

A review of the appellant's presentation indicates that he did not take the actions notified the assessors. Dewatering procedures include using the toilet drains, water chutes, and small holes in the ceiling. It is not ensuring that they are not damaging property when using a hose line to extinguish hot spots. The appellant stated that

they should be mindful not to use excess water and cause further damage, but he did not address the water that was already there. The appellant did not provide this action and the other action noted by the assessor, and his score of 3 for this component is correct.

For the oral communication component of the evolving scenario, the assessor noted a major weakness in nonverbal communication, by failure to maintain eye contact when speaking, and a minor weakness in specificity, by stating “we” instead of “I.” For example, he stated “We will do training,” instead of “I will conduct drills with all company members.” On appeal, the appellant states that he was using the plural pronoun in reference to his team, he operates under a team mentality, and he is the leader of the team.

In reply, a factor in oral communication is nonverbal communication. A weakness in this factor is defined as failing to use gestures effectively, thereby causing confusion or distractions, and failing to maintain eye contact with the camera when speaking. Another factor is specificity, and a weakness in this factor is defined as providing actions that are too general and failing to convey how those actions are carried out. A review of the appellant’s presentation indicates that the appellant had his notes on the table in front of him and he read from them, glancing up occasionally at the camera. He was hunched over with his elbows on the table, and his attention was primarily on his notes rather than his audience. Also, the appellant’s presentation lacked specificity. For example, rather than stating that he would open exhaust ducts, pipe chases and voids for inspection, he stated that he would open “areas of concern.” Although the appellant is the supervisor of the crew, he used the pronoun “we” throughout the presentation. For example, he indicated that, “Once the ah, once we determine that all hot spots are put out, we will report to the IC with this and await further instruction.” It is not the responsibility of the entire crew to report to the IC, but that of the supervisor of the crew, and it is not acceptable grammar to refer to oneself as “we.” The appellant later stated, “Um, once we’re report to the IC of our progress, and await further command, I will rehab my crew,” “Once the hot spots are put out we will notify command,” and “We will do training.” The appellant’s score for oral communication contains the weaknesses noted by the assessor and his score for this component will not be changed.

The arriving scenario involved a report of a collision of a pickup truck and a tour bus. Question 1 asked candidates to perform an initial reporter on arrival using proper radio protocols. Question 2 asked for specific actions to be taken after the initial report. For this component, the assessor indicated that the appellant failed to indicate that there were multiple victims with multiple injuries, which was a mandatory response to question 1. It was also noted that he failed to specifically mention performing a 360 size-up to evaluate hazards/victims, and to extricate victims/using heavy rescue, which were mandatory responses to question 2. Lastly,

the assessor indicated that the appellant missed the opportunity to ensure that personnel were wearing reflective vests (night conditions). On appeal, the appellant argues that he said there were apparent injuries and called for Advanced Life Support (ALS) for injuries, had members wear full personal protective equipment (PPE), surveyed the scene, ordered ladder companies to survey vehicles and determined if there are any injuries, began operations to unpin victims using hydraulic tools, ordered the truck company to stabilize vehicles and open them up to attend to occupants, and called the utility company for hazards.

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." The appellant provided a proper response for question 1 that did not include indicating to dispatch that there are multiple victims with multiple injuries. The appellant stated, "We have a two vehicle MVA between a bus and a pickup truck with apparent injuries." For this response, the appellant received credit for indicating there was a motor vehicle collision with two vehicles involved. However, "apparent injuries" was insufficient information to give to dispatch to indicate that there were multiple victims, at least two unconscious adult males in the pickup truck and more in the bus including the bus driver experiencing symptoms of a heart attack, with multiple injuries. The two individuals in the pickup truck had multiple head and chest wounds and both individuals were pinned in.

As to question 2, the appellant stated, "As the engine one officer, I will survey the scene and first determine if there are any fire concerns within the vehicles. Once the concerns of fire are ruled out, then we will instruct the ladder company (pause) instruct the ladder company to survey the vehicles, and the occupants, and determine whether there are any injuries." This passage indicates that the appellant is looking for fire and then he instructs a ladder company to survey the vehicles and occupants. While this is specific to the incident, it is not as comprehensive as performing a 360 size-up to evaluate hazards and victims, which is the responsibility of the IC and therefore a mandatory response. The candidate should not delegate this responsibility to the ladder company, or to the utility company, who he called for power lines or any hazards that could occur.

Also, having members wear full personal protective equipment (PPE) is not sufficient. While there is reflective tape on some bunker gear, the SMEs determined that it was necessary for the IC to ensure that personnel were wearing reflective vests, given that it was 7:45 pm and personnel were working on a highway.

Next, the scenario indicated that the two unconscious males with multiple head and chest wounds were pinned in the wreckage of their pickup truck. In dealing

with this, the appellant stated, "Once they determine that there are injuries on scene, ah, first action by the truck company will be to stabilize the vehicles. Ah, once the vehicles are stabilized then we can open, open the vehicle up and ah, tend to the occupants." This is a very general response that lacks specific actions that need to be taken to open the vehicle. He states, "Once the vehicle is stabilized, we will tend to the occupants and their injuries and ah, put neck collars on the, on the occupants and begin operation to unpin the occupants in the front of the pickup truck. I'll also have another truck, truck crew, a second crew from the truck company attend to the driver of the bus." While the appellant mentioned on unpinning the victims, he failed to mention how that would be accomplished. Later, the appellant stated, "Once the ah, we will begin operations on the pickup truck to unpin the occupants um, using whatever hydraulic tools deemed necessary to free them, free them and we will wait for EMS." As such, the appellant should receive credit for this response, and his score should be raised from 1 to 2. The performance does not warrant a higher score as the appellant missed two mandatory responses and the additional response noted by the assessor. It is noted that this change gives the candidate a passing score with a final average of 80.570.

The supervision question for the arriving scenario indicated that the candidate saw a member of his crew talking to a bus passenger about a sports event during the incident instead of attending to the physically injured passenger sitting on the grass 5 feet away. This question asked for actions that should be taken now and after returning to the firehouse. For the supervision component, the assessor noted that the appellant missed the opportunities to review any relevant SOPs and SOGs, to keep his immediate supervisor informed of the investigations progress/outcome, and to document any actions taken. On appeal, the appellant argues that he "kept in constant radio communication and commands kept supervisors informed of real time developments while in route."

In reply, keeping the immediate supervisor informed of the investigations progress/outcome referred to this supervisory issue, not to the entire scene. The appellant's response to this question was brief, he did not take the actions noted by the assessor, and his score of 2 for this component is correct.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that, except for the technical component of the arriving scenario, 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 the appellant's score for the technical component of the arriving scenario be raised from 1 to 2, and the remainder of 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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