



STATE OF NEW JERSEY

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

 In the Matter of Julio Figueroa,
 Fire Captain (PM1046V),
 Newark

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 Examination Appeal

 CSC Docket No. 2019-2514
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ISSUED: May 9, 2019 (RE)

Julio Figueroa appeals his score for the oral portion of the promotional examination for Fire Captain (PM1046V), Newark. It is noted that the appellant passed the subject examination with a final score of 74.330 and his name appears as the 105th 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 4 for the supervision component, and a 4 for the oral communication component. For the arriving scenario, the appellant scored a 1 for the technical component, a 3 for the supervision component, and a 3 for the oral communication component. The appellant challenges his score for the technical component of the arriving scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The arriving scenario involved a train derailment. For the technical component, the assessor assigned a score of 1, and noted that the candidate failed to establish command uphill and upwind, failed to order a primary search of the train, and failed to ensure that all rail service/electricity is shut down on the line or that there were flaggers, all mandatory responses to question 2. He also noted that the appellant missed the opportunity to appoint a safety officer. These were PCAs for question 2, which asked for specific actions to take after giving the initial report. On appeal, the appellant states that he mentioned the address when the command was established, stated that he would shut down all power, and placed the apparatus on the A/D side, which was uphill and upwind.

In reply, a review of the file indicates that, for the technical component, the appellant missed the actions noted by the assessor, including three mandatory responses. First, the appellant misread the assessor notes. The assessor indicated, "Candidate failed to specifically address..." and then listed three actions. The assessor was not noting that the appellant failed to give the address. Next, in this presentation, the candidate is the Incident Commander (IC) as he is the highest-ranking officer on scene, the wind is blowing east to west at 10 mph, and there is a significant hydraulic leak on the green train which has been contained. Both trains are commuter trains with electronic locomotives.

As this must be considered a Hazmat incident, the SMEs determined that it was mandatory that a command post should be established uphill and upwind because if the fluid catches fire the post will be in the smoke and toxic fumes, or if it is not contained it may run to the post. The appellant did not take this action. He stated that enroute he would look at wind speed and direction. He then gave his initial report and established command and set up a command post "on the alpha/bravo, on the alpha/delta side." It is noted that the alpha/bravo side was downwind and the alpha/delta side was upwind. The appellant gave both in his presentation. This was a formal examination setting, and not a conversation. As such, candidates were required to articulate their knowledge in a way that was unambiguous. The appellant stated both positions, and did not indicate that he was correcting himself or why. Nevertheless, for this response, the appellant received credit for establishing and naming command in question 1 as part of his initial report. However, in question 2, he did not state that he would establish his command post uphill and upwind.

After calling for second and third alarms, the appellant stated, "Ah, have um, the ah utilities for electric, gas, water," and then he called for police for crowd and traffic control. Clearly this response indicates that the appellant was calling for utilities, but this is not a response that says that he would shut down all power. The appellant gave his initial report, called for additional resources, ensured that his ladder company was fully equipped and supplied, and then did not properly handle the incident, but began responding to question 3. After that response, he stated that he wanted to make sure the scene was safe and secure since there was a fire, before he transferred command. However, there was no fire at this scene. The appellant did not order a primary search of the train, or ensure that all rail service or electricity was shut down, or that there were flaggers, so the trains, passengers, and fire personnel were not hit by oncoming trains. He basically did not know how to handle the scene after requesting resources, and his score of 1 for this component is correct.

CONCLUSION

A thorough review of the 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 9th DAY OF MAY, 2019



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