



**STATE OF NEW JERSEY**

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

In the Matter of Gilberto Gonzalez,  
Fire Captain (PM1046V),  
Newark

CSC Docket No. 2019-2484

Examination Appeal

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

Gilberto Gonzalez 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 76.070 and his name appears as the 93<sup>rd</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 4 for the technical component, a 3 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 2 for the technical component, a 5 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical and supervision components for the evolving scenario, and the technical and oral communication components for 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 report of fire on the second floor of five-story hotel of ordinary construction built in 1910. The Incident Commander (IC) orders the candidate to perform an immediate primary search and horizontal ventilation of the building.

For the technical component, the assessor assigned a score of 4, and noted that the appellant missed the opportunity to mention senses (sight, touch, yelling) to locate victims. On appeal, the appellant argues that he used completed a systematic search, using tools to search and feel, and using all his senses, a Thermal Imaging Camera (TIC) and searched in areas where victims would be located.

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.” Question 1 asked for the details of the orders to give to your crew to carry out the assignment. A review of the appellant’s presentation indicates that he did not take the action mentioned by the assessor. The appellant used the back of his hand and the TIC to make sure there was no fire behind doors, but this is not the same. He stated, “We will conduct a search systematically, left, left, right, right. We will work towards all the bedrooms areas, or the seat of the fire, the alpha/delta side. We’ll check underneath windows, underneath the bed, closet, behind doors, and we’ll work our way from the burned to the unburned. We will use guide ropes and search ropes. If we need to use the search ropes we will make sure we knot every 25 feet and thereafter.” There is no mention in this response of mentioning senses (sight, touch, yelling) to locate victims. Nevertheless, the appellant ensures that all members know the “two in, two out,” and he did not receive credit for operating in teams of two. With credit for this action, the appellant’s presentation warrants a score of 5.

The supervision question involved a firefighter using a hand tool inappropriately during overhaul, and he almost injures another member. When the candidate tries to correct him, he becomes disrespectful and does not comply. The question asked for actions to take now and back at the firehouse. For this component, the assessor indicated that the appellant missed the opportunities to interview potential witnesses, and to review the firefighter’s training file. On appeal, the appellant stated that he witnessed the firefighter firsthand, was the supervisor on scene, and would have had witnesses if a fight or argument occurred.

In reply, the PCAs were developed by SMEs who determined that the supervisor should interview potential witnesses. This is to reinforce that the supervisor correctly witnessed the event, and to have witnesses that the firefighter was disrespectful to him after he was given orders to comply. The appellant’s arguments that he did not have to take this action are not persuasive. The appellant missed the actions noted by the assessor, and other actions as well, and his score of 3 for this scenario is correct.

The arriving scenario involved a train derailment. For the technical component, the assessor assigned a score of 2, and noted that the candidate failed to establish command uphill and upwind (Question 2), and failed to ensure that all rail service or electricity was shut down on the line or use flaggers. He also noted that the appellant missed the opportunity to consult or coordinate with available railway personnel to establish a passenger count. On appeal, the appellant states that he

established command on Denholm Drive, spoke with a railroad representative, positioned himself uphill and upwind, and shut off all power.

In reply, 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 electric locomotives. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, may pose a substantial hazard to human health or environment when purposefully released or accidentally spilled. In this scenario, hydraulic fluids have leaked from the green train. As such, the SMEs determined that it was mandatory that a command post should be established uphill and upwind.

The appellant established command and set up a command post away on the alpha/bravo side of Denholm Drive, and he received credit for this response in question 1, which asked candidates to provide an initial report using proper radio protocols. The appellant stated, "From there, I will establish command. Command post will be at the ah, alpha side, Denholm Drive. It will be located from alpha/bravo." However, this response lacks the detail to provide credit in question 2, which asks for specific actions, as the alpha/bravo side is downwind, on the west side of the trains. The appellant later made sure that all members know the wind speed and direction, and the temperature, but this has no bearing on where the appellant establishes his command post. Later, the appellant stated, "All apparatus would position um, their vehicles with a tactical position in mind, staying upwind and up um, uphill and upwind." This response refers to apparatus, not to the command post. The appellant missed this mandatory response.

When calling for additional resources, the appellant stated, "I will call for utilities, for gas, electric and water." This is a response for a house fire, not a train accident. The appellant then gave additional responses for a fire, such as stretching three lines to the trains, using a TIC to look for hot spots, searching off the line, and ventilating the interior. This was not a fire, but a train accident, and a handline for protection was sufficient. There was no smoke or fire mentioned in the scenario. Although it is 4:15pm, the appellant ordered his truck company to perform primary and secondary searches using guide ropes and search ropes, target exiting devices, and TICs. The appellant does not seem to be aware that this is a train accident involving commuter cars, in the middle of the afternoon with no smoke or fire present *i.e.*, good visibility. Further, the appellant had not established that he was aware of incoming trains, and that he must shut down rail service or electricity or get flaggers to stop them. After attending to victims, the appellant states, "If there's utilities around inside the, the train they will shut them off, the gas and electric. They will ventilate horizontally if possible also vertically. They would, they

if they can get on the top they will open up any natural openings, the hatches. Maybe cut them open ah, if they're above the fire, if there is any fire, if needed to or ordered to. They will mechanically um, vent using ah positive and negative air, if need be." The appellant is treating this accident as though it is a fire scene. The actions he takes in this passage are needless at this point, as these responses do not address the situation at hand, but a possible fire situation. The appellant cuts off the electric *inside* the train, but ignores the danger of oncoming trains. The appellant did not establish a passenger count by consulting available railway personnel, and his response of "I will do a face-to-face with the railroad mechanics," has nothing to do with a passenger count, and the appellant did not state why he would talk to the mechanics. The appellant missed the actions noted by the assessor, and his score of 2 for this component is correct.

For the oral communication component of the arriving scenario, the assessor indicated a minor weakness in rate, stating that the appellant occasionally stumbled and repeated words and phrases. On appeal, the appellant states that after stumbling, he paused, gathered his composure, and carried on. He states that he displayed confidence and a never-give-up attitude.

In reply, a weakness in inflection/rate/volume is defined as failing to speak at an appropriate rate (long pauses/too fast/stumbling), failing to maintain appropriate pitch and volume, or improperly using pitch to convey meaning or emphasis. In this case, the appellant stumbled over words at times, which also included incorrect grammar. For example, he stated, "Ensure all members know there is no freelancing and ah this is a railroad um scene, to be mindful of ah, any fall fallen lines. Ah, make sure the ah, the ah, all the trains are supported and stable." The appellant stumbled through these sentences, using distracting verbal mannerisms. Also, freelancing and fallen lines have no obvious connection, yet are used in the same sentence. At another point, the appellant stated, "I would ensure the engine company uses a thermal imaging camera for any hotspots inside the railroad or look for any other victims." In this sentence, the appellant misuses the word "railroad." The appellant tended to clip his words, so that the delivery was given in words or phrases, staccato-like, rather than spoken in complete sentences with proper breathing and pauses. The appellant began his response to question 3 at the two-minute mark and his delivery sped up so that he did not pause normally between sentences. He made grammatical mistakes such as "why weren't you wearing a glove," using the singular noun when the firefighter was not wearing latex gloves. He stated, "Did you forgot you had it or you ran out of the glove?" and "I will see if any changes. I will review, revise and evaluate the ah progress. I'll open door policy." This method of delivery was a distraction, the appellant's presentation clearly had a weakness, and his score of 4 will not be changed.

**CONCLUSION**

A thorough review of the appellant's submissions and the test materials indicates that, except for the technical component for the evolving 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 technical component for the evolving scenario be raised from 4 to 5, and the remainder of the 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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