



STATE OF NEW JERSEY

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

In the Matter of Christopher Fodera,
Fire Officer 2 (PM2154W),
Jersey City

CSC Docket No. 2020-1142

Examination Appeal

ISSUED: January 30, 2020 (RE)

Christopher Fodera appeals his score on the promotional examination for Fire Officer 2 (PM2154W), Jersey City. It is noted that the appellant failed the examination.

This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios; a Supervision, Administration and Incident Command scenario. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission, which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

For the oral portion, candidates had 60 minutes to prepare for all three scenarios and had 10 minutes per scenario to present their response. For all three oral exercises, the candidate was to assume the role of a Battalion Fire Chief. Candidates were scored based on the content of their response (technical) and the how well they presented their response (oral communication). These components were scored on a scale of 1 to 5 with 1 being the lowest rating and 5 being the highest rating.

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. As part of the

scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An SME also noted any weaknesses that detracted from the candidates overall oral communication ability. The SME then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

For the technical and oral communication components of the Supervision, Administration and Incident Command scenarios, the appellant received scores of 3, 2, 1 and 5, 5, 5, respectively.

The appellant challenges his scores for the technical component for each scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenarios were reviewed.

CONCLUSION

The Supervision scenario involved a crew who abandoned their apparatus and attended a sporting event for free when they should have been staged outside of the event. Later that evening, Engine 7's crew is late to respond to a call where the candidate arrived one minute earlier than they did, and the homeowner is upset. This question asks for specific actions to be taken now and the back at the firehouse.

The SME indicated that the appellant missed the opportunities to interview each firefighter **individually**, and to inform them of the right to union representation. On appeal, the appellant argues that he said he would interview the members of Engine 7 and get their sides of the story.

In response, the SME specifically indicated that the appellant failed interviewed firefighter **individually**. In his presentation, the appellant stated, "I would

interview the members of engine seven and find out their sides of the story.” The instructions in the scenario tell candidates to be as specific as possible and not to assume or take for granted that general actions will contribute to a score. There is no indication in this response that the appellant was interviewing each member separately. The appellant cannot receive credit for information that is implied or assumed, and his score of 3 for this component will not be changed.

In the administration scenario, a drug addiction facility is being located in an established residential area in the candidate’s first due response area, and the citizens are upset. A credible threat has been made regarding the ribbon-cutting ceremony to be held in two weeks regarding a protest at the ceremony and a firebombing on new construction. The candidate is to develop an incident action plan for the ceremony and address fire protection for this building. Question 1 asked for steps to take to evaluate and address the community fire protection regarding the dedication ribbon-cutting ceremony and beyond at the new Crawford Drug Addiction Facility. Question 2 asked for specific information that should be included in this incident plan to effectively cover the threats made on social media.

For this scenario, the SME indicated that the appellant missed the opportunity to delegate tasks to members of the development team, for question 1. For question 2, he missed the opportunities to utilize the unified command structure and to research the possibility of a secondary attack. On appeal, the appellant states that he operated under the incident command system and spoke of having one person for all agencies to answer and one person to coordinate all personal. He also stated that he would use all members’ knowledge skills and abilities to accomplish tasks.

In reply, the appellant did not respond to each question separately, but provided one continuous reply. The appellant responded, “On the day of the protest, I would have the police department there for crowd control. I would coordinate all emergency personnel to answer under the ICS, the Incident Command System, so there was one person to answer to. I would use the knowledge, skills and abilities from all departments to keep things under control. As the Battalion Chief in charge of this program, I would ensure that the civilians’ protest was peaceful and that the parties involved were as safe as possible.” This passage is not an indication that the appellant would utilize the unified command structure in his incident action plan. A Unified Command is an authority structure in which the role of Incident Commander is shared by two or more individuals, each already having authority in a different responding agency. This is part of the ICS; however, the appellant did not state he would have a Unified Command, and again, credit is not given for information that is implied or assumed. Additionally, the appellant’s response of using knowledge, skills and abilities from all departments to keep things under control is not the same as delegating tasks to members of the development team. The appellant did not respond to each question separately, but provided one continuous reply. As such, his

answer to question 2 was extremely brief. He missed the actions noted by the SME, and his score of 2 for this component is correct.

The Incident Command scenario involved a fire at a powder metallurgy facility. Question 1 asked for specific actions upon arrival at the scene. Question 2 indicated that during fireground operations, there is an explosion inside the facility and a Mayday is being broadcast. It asked for specific actions to be taken based on this new information.

For this scenario, the SME noted that the appellant failed to set up cold and warm and hot zones; and failed to protect the storage area, such as using the hoseline and removing drums of powdered metals. These were mandatory responses to question 1. It was also indicated that the appellant failed to remove the downed firefighter, which was a mandatory response to question 2. He also missed the opportunity to establish a staging area, which was an additional response to question 1. On appeal, the appellant states that he said he would bring an additional 1¾ inch hose lines “to that area” for further protection, took care with water around the drums, and returned the building to the owner at the end of the incident. He argues that moving the drums during the incident would cause more of a hazard than a solution. He also states that he said he would remove all surface victims and any trapped in voids, conducted a Personnel Accountability Roll call (PAR), and deployed the Rapid Intervention Crew (RIC).

In reply, the scenario indicated that upon arrival, the candidates saw smoke emanating from one of the loading bay doors, and a manager indicated that a fire started in the loading area. It is noted that the loading dock is on side A, and is separate from the storage area, which was on side C. Side C faces small wooded area beyond which was a trailer storage area containing five 55-gallon drums full of powdered metals used in the metallurgy process, such as lead, cobalt, and magnesium. The scenario indicated that the storage area was at the rear of the facility and is not yet affected.

The appellant indicated that he would order the first due engine to stretch a 1¾” handline to the seat of the fire in the loading dock, an additional line to the interior of the building to protect stairways and search crews, and a line above the fire to check for extension in the upper floors. These handlines are not being stretched to the storage area, the exposure on side C through a wooded area. The appellant then stated that he would have 2½ inch lines on the exposures in case of any exposure problems. The exposures included an electronics manufacturer on side A, a small wooded area behind which was a heating, ventilation and air conditioning (HVAC) manufacturing plant on side B, the trailer storage area behind a small wooded area on side C, and a shipping center on side D. The appellant’s response regarding “exposures” is general and not specific to the trailer storage area. As to the drums, the appellant does not argue that and took the action noted by the assessor, but that

the action need not have been taken. The SMEs disagreed when they created the PCAs, and they determined that one way to protect the storage area was to remove the drums of powdered metals. The appellant's argument that this was more of a hazard than a solution is unpersuasive. The appellant stated that, "I would take care with water around the powdered metals for chemical reactions;" however, this is not the same as removing the drums to protect the storage area.

Next, question 2 indicated that a Mayday was being broadcast. A review of the appellant's presentation indicates that he acknowledged the Mayday, which was a separate mandatory response. He also received credit for conducting a PAR and activating the RIC, which were separate responses. He then stated, "I would do a systematic search. Surface victims would be removed first, and then I would search all voids for potential trapped victims under any rubble." This response seems fragmented from the trapped firefighter issue. There were 50 employees in the building, any of whom could be potentially be a surface victim or in a void. However, is it unlikely that downed firefighter is a surface victim. The appellant's response is simply not specific enough to warrant credit. The appellant missed three mandatory responses, as well as the additional response, and his score of 1 for this component is correct.

A thorough review of 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 29th DAY OF JANUARY, 2020



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