



**STATE OF NEW JERSEY**

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

In the Matter of Richard Bornstad,  
Deputy Fire Chief (PM0120A),  
Linden

CSC Docket No. 2020-1115

Examination Appeal

**ISSUED OCTOBER 2, 2020: (RE)**

Richard Bornstad appeals his score on the examination for Deputy Fire Chief (PM0120A), Linden. It is noted that the appellant passed the examination with a final average of 85.040 and ranked seventh on the resultant eligible list.

The subject promotional examination was held on April 16, 2019 and ten candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises; each was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command – Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command – Fire Incident.

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, fire fighting 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 in the technical component for some scenarios, 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.

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. The appellant received the following scores for the technical component for each question, in order: 1, 3, 4 and 4. He received the scores of 4, 3, 4, and 5 for the oral communication components.

The appellant challenges his score for the technical component for the Incident Command – Non-fire Incident scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Incident Command – Non-fire Incident scenario involved an explosion at a defunct chemical plant the end and industrial complex utilizing heavy timber construction. The question asked for concerns, and actions, orders, and requests to fully address the incident.

For the technical component, the assessor noted that the appellant failed to obtain wind direction and speed; failed to ensure all units approach from uphill and upwind; and failed to conduct atmospheric air monitoring. Each of these actions was a mandatory response. On appeal, the appellant argues that he took appropriate actions by approaching from the Alpha site in the building and locating the incident command post with the second alarm staging two blocks north, protecting all residences downwind of the incident, requesting Hazmat and DEP respond to the scene, and bringing in place and truck was DPW to prevent runoff into the waterway. He argues that the wind speed was given in the scenario, so he did not need to address that concern, and the Incident Commander (IC) does not need to micromanage each tactical assignment.

In reply, in the examination booklet, before the questions the instructions state, "In responding to the questions, as specific as possible. Do not assume or take for granted that general actions will contribute to your score." The question asked for concerns, as well as actions, and the SMEs determined that wind speed and direction was a concern. The scenario indicated that wind was blowing from south to north at 15 MPH. This is a higher wind, and the IC would be remiss not be concerned about it. At the start of his presentation, the appellant stated, "In response to question one, I will establish command. And I will locate the command post on side A." Locating the command post on side A is an action, not a concern. The appellant does not explain why he was locating the command post on that side,

and it cannot be assumed that he was doing so due to wind speed and direction, rather than for other reasons, such as there was plenty of room on that side.

The appellant then provided a size up and did not mention the wind speed and direction as a concern. He stated that he would call for a third alarm and stage it six blocks south. He called many resources to the scene without ensuring all units approach from uphill and upwind. The appellant stated, "I will have ah Hazmat to ah mitigate the ah leaking ah, containers in the building and also to find out what kind of material it is and ah, we also have, I will have a foam truck respond to scene to keep down the fumes at the scene. And also I will have ah department of recreation to bring a sand truck to ah, for containment so ah, any runoff from the scene will be contained and not run off down into the waterways." The appellant received credit for calling for Hazmat, which was another mandatory response. However, he did not indicate that Hazmat would conduct atmospheric monitoring. The appellant argues that Hazmat should be able to set up zones with wind speed, direction and atmospheric monitoring. However, the IC should also be concerned about the 15 MPH wind, and ensure that the appropriate actions, such as ensure all units approach from uphill and upwind and conduct atmospheric air monitoring, are taken. The appellant was concerned and took actions regarding water runoff, but he did not provide these mandatory responses. His score of 1 for this component is correct.

### **CONCLUSION**

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 30<sup>TH</sup> DAY OF SEPTEMBER, 2020

*Deirdre' L. Webster Cobb*

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