



STATE OF NEW JERSEY

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

In the Matter of Dennis Staples,
Fire Captain (PM2322C),
Cinnaminson

Examination Appeal

CSC Docket No. 2023-391

ISSUED: December 21, 2022 (RE)

Dennis Staples appeals his score for the oral portion of the promotional examination for second-level Fire Captain (PM2322C), Cinnaminson. It is noted that the appellant failed the subject examination.

It is noted for the record that this two-part examination consisted of a written multiple-choice portion and an oral portion. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: written multiple choice portion, 35.26%; technical score for the Evolving Scenario, 20.77%; oral communication score for the Evolving Scenario, 2.79%; technical score for the Administration Scenario, 13.56%; oral communication score for the Administration Scenario, 2.79%; technical score for the Arriving Scenario, 22.04%; and oral communication score for the Arriving Scenario, 2.79%.

The oral portion of the second level Fire Captain examination consisted of three scenarios: a fire scenario simulation with questions designed to measure knowledge and abilities in assessing risk (Evolving); a simulation designed to measure technical knowledge and abilities in administrative duties (Administration); and a fire scenario simulation designed to measure technical knowledge and abilities in strategy and attack plan and hazmat (Arriving). For the Evolving and Administration scenarios, candidates were provided with a 25-minute preparation period for both, and candidates had 10 minutes to respond to each. 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, other than for oral communication, 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. Scores were then converted to standardized scores.

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 and a 3 for the oral communication component. For the Administration scenario, the appellant scored a 3 for the technical component and a 4 for the oral communication component. For the Arriving scenario, the appellant scored a 2 for the technical component and a 5 for the oral communication component. The appellant challenges his scores for the technical components of the Administration and Arriving scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The Administration scenario involved being dispatched to an activated fire alarm. The candidate does not hear from his crew for five minutes, so they enter the residence and find the crew discussing a faulty fire alarm with elderly residents. One firefighter has a cloth mask pulled down to his chin, which is a violation of the department's mask policy. Question 1 asked initial actions to be taken to address the situation. Question 2 indicated that the Chief has said that there is a confirmed case of Covid-19 in the residence, and the husband has complained that Firefighter negligence caused his wife to be ill. He is considering legal action, and this question asked for additional actions that should be taken. Instructions indicate that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score.

For the technical component, the assessor indicated that the appellant missed the opportunities to ensure that the legal department is contacted or

advised, and to ensure that the Health Department/Covid-19 Officer/Health Officer is contacted. These were responses to question 2. On appeal, the appellant argues that it is not his responsibility as a Fire Captain to take these actions, but that the Fire Chief should make these contacts as he would be the Administrative Fire Officer, and would be responsible for being the liaison with other agencies.

A review of the appellant's video indicates that he did not take the actions listed by the assessor in response to question 2. The appellant took many actions in response to question 1, but his response to question 2 was sparse. He responded to the resident, telling him that the situation would be investigated, and he ordered the Firefighter wearing the mask inappropriately to be tested for Covid-19. In the event that there was a positive result, the appellant would interview the firefighter again, reprimand him for negligence, and suspend the Firefighter. He would then tell the residents and the Fire Chief that the results of the investigation and the discipline.

The SMEs determined the missed actions were actions to be taken by the supervisor. Both actions "ensure" that the legal department and health departments are contacted. As such, the candidate can take these actions or ask his Fire Chief if these actions have been taken. Either way, the candidate would be conveying his knowledge that these notifications *should* be taken, and he would be remiss if he did not. Even if the appellant thought his Fire Chief would make these notifications, without mentioning either item, the appellant has not indicated that he is aware that these notifications should be given. The appellant did not test the remainder of the crew, or tell the crew of the change in circumstances. The appellant's score of 3 for this component is correct.

The Arriving scenario involves a report of smoke in a two-story, multi-family, wood-framed residence. Upon arriving, it is noticed that grey smoke is seeping from under a garage door and from second floor windows, and an orange glow is in the windows. A crowd has gathered, and one person says she hasn't seen the residents. The candidate is the commanding officer of the first arriving engine company and is first on scene. The question asked for concerns and specific actions to take to fully address the incident.

The assessor noted that the appellant failed to consider life safety as an initial concern, which was a mandatory response. They also indicated that he missed the opportunities to set up a command post, and to request the utility company. On appeal, the appellant states that took actions relating to life safety, such as stretching hoseline, protecting interior stairs, and assigning a Rapid Intervention Team (RIT).

In reply, again, instructions indicated that, in responding to the questions, the candidate should be as specific as possible in describing actions, and should not assume or take for granted that general actions will contribute to a score. Stretching hose line, protecting interior stairs, and assigning a RIT are separate actions from stating that life safety was a concern, and it cannot be assumed that the appellant considered life safety as a concern by taking those actions. At the start of the presentation, the appellant described the scene and immediately gave actions to be taken. In doing so, he did not answer the first part of the question which asked for initial concerns. The appellant's concerns cannot be implied based on his response to the second part of the question, which asked for specific actions. The appellant missed the actions noted by the assessor and his score of 2 is correct.

CONCLUSION

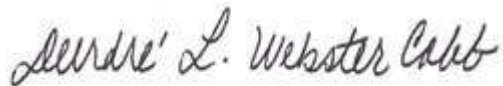
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 21st DAY OF DECEMBER, 2022



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