



**STATE OF NEW JERSEY**

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

In the Matter of Thomas Perry,  
Fire Captain (PM2331C), Irvington

CSC Docket No. 2023-441

Examination Appeal

**ISSUED: March 15, 2023 (RE)**

Thomas Perry appeals his score for the oral portion of the promotional examination for second-level Fire Captain (PM2331C), Irvington. It is noted that the appellant passed the subject examination with a final average of 79.360.

This two-part examination consisted of a written multiple-choice portion and an oral portion. The examination was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the examination 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 5 for the oral communication component. For the Administration scenario, the appellant scored a 3 for the technical component and a 5 for the oral communication component. For the Arriving scenario, the appellant scored a 3 for the technical component and a 5 for the oral communication component. The appellant challenges his scores for the technical components of the Evolving and Arriving scenarios. 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 smoke from a two-story assisted living facility. Question 1 asked for actions, orders and requests to fully address the incident. Question 2 indicated that handicapped patients trying to evacuate the second floor are stuck on an elevator on an unknown floor, and the question asks for actions to be taken to address the current situation. 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 failed to order a water supply to be established, which was a mandatory response to question 1. The assessor also indicated that the appellant missed the opportunities to feed the FDC, and to request the health department, which were additional responses to question 1. On appeal, the appellant argues that he called for additional lines and had companies hook up to the FDC.

It is noted that certain responses to the situation presented in the scenario are mandatory. That is, mandatory responses are responses that are requirements for a performance to be acceptable (a score of 3), whether there is one mandatory

response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include all mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2. Additional responses only increase a score from 3 to 4 or from 3 to 5. However, where a candidate states many additional responses, but does not give a mandatory response, the flex rule was designed to allow the assessor to assign a score of 3. Nevertheless, the assessor cannot provide a score higher than a 3 in those cases. Under the flex rule, the appellant received a score of 3 as he missed the mandatory response, order a water supply to be established, but provided other additional responses.

Feeding the FDC was an additional response to question 1. A review of the appellant's video indicates that the appellant answered both questions, concluded his presentation and stood up to get the monitor, who was waiting outside the door due to Covid-19 protocols. She entered the room and asked if there was anything he wanted to add. The appellant studied his exam materials and stated that he would call for an additional alarm to stretch to areas that needed it near the fire. He then stated that he would hook to the FDC although the building manager was not sure if it was working or not. Thus, the appellant gave this additional response, albeit after he concluded the scene. Nonetheless, as the appellant received a score of 3 via the flex rule, without all mandatory responses, his score cannot be changed.

The Arriving scenario involves a fire in a two-story, multi-family, wood-framed residential property built in 1995. Upon arriving, it is noticed that grey smoke is seeping out from the closed garage door and the second-floor windows, and there is an orange glow of fire seen through the windows. The question asked for initial concerns and specific actions to take to fully address the incident.

The assessor noted that the appellant failed to establish a Rapid Intervention Crew (RIC), which was a mandatory response. The assessor also indicated that the appellant missed the opportunity to establish a Rehab. On appeal, the appellant states that he established a RIC.

For this scenario, the appellant received a score of 3 using the flex rule. In this case, however, a review of the appellant's responses indicate that he established a RIC, *i.e.*, provided the missing mandatory response. Accordingly, the appellant's score for this component should be changed from 3 to 5.

## CONCLUSION

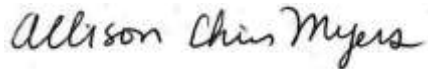
A thorough review of the appellant's submissions and the test materials indicates that, except for the technical component of the Arriving scenario, the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that it is ordered that the appellant's score for the technical component of the Arriving scenario be changed from 3 to 5, and the remainder of 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 15<sup>TH</sup> DAY OF MARCH, 2023



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Allison Chris Myers  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Thomas Perry  
Division of Administration  
Division of Test Development and Analytics  
Records Center