



STATE OF NEW JERSEY

In the Matter of Rashim Carter,
Deputy Fire Chief (PM5159C), East
Orange

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

CSC Docket No. 2023-1860

Examination Appeal

ISSUED: October 11, 2023 (ABR)

Rashim Carter appeals his score on the promotional examination for Deputy Fire Chief (PM5159C), East Orange. It is noted that the appellant passed the examination with a final average of 81.750 and ranks sixth on the eligible list.

The subject promotional examination was held on April 23, 2022, and 10 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 exercise 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 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: technical score for the Incident Command: Non-Fire Incident, 24.42%; oral communication score for the Incident Command: Non-Fire Incident, 3.155%; technical score for the Supervision scenario, 14.17%; oral communication score for the Supervision scenario, 3.155%; technical score for the Administration scenario, 11.81%; oral communication score for the Administration scenario, 3.155%; technical score for the Incident Command: Fire Incident, 36.98%; and oral communication score for the Incident Command: Fire Incident, 3.155%.

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 10 minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from no 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. It is noted that candidates were told the following prior to beginning their presentations for each scenario: "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score."

For the Incident Command: Non-Fire Incident, the appellant scored a 2 on the technical component and a 5 on the oral communication component. For the Supervision scenario, the appellant scored a 3 on the technical component and a 5 on the oral component. On the Administration scenario, the appellant scored a 2 on the technical component and a 5 on the oral component. Finally, for the Incident Command: Fire Incident, the appellant scored a 3 on the technical component and a 5 on the oral component.

The appellant challenges his scores for the technical components of the Administration and Incident Command: Fire Incident scenarios. As a result, the appellant's test material, video recording and a list of possible courses of action for the scenarios were reviewed.

The Administration scenario presents that the Fire Chief has tasked the candidate with preparing for a parade on Halloween evening in coordination with the police department, including ensuring safety and code compliance efforts. Question 1 asks what course of action the candidate should take to complete their task. Question 2 asks how the candidate would handle requests from some department members to be included in the parade and leave requests from others requesting off for the Halloween holiday.

For the technical component of the Administration scenario, the assessor found that the appellant missed a significant number of PCAs, including setting timelines. On appeal, the appellant argues that he stated he would meet with the Chief and made “a clarifying statement asking for expectations and an expected timeline.”

In reply, the appellant’s statement is too general to find that he should have been awarded credit for the PCA at issue. Even if the Chief provides the appellant with a deadline to give him a final plan for the Halloween parade, since the Chief has delegated the task of planning to the appellant, the appellant would be responsible for setting appropriate timelines for those working under him to complete their responsibilities. Since the appellant’s statement did not account for the need for him to set his own deadlines for those working under him on this project, he was properly denied credit for this PCA. Accordingly, based upon this and the other PCAs the appellant missed, the Civil Service Commission (Commission) finds that he was appropriately awarded a score of 2 for this scenario.

The Incident Command: Fire Incident involves a fire at a one-story recreation center that consists, in part, of attached classrooms on Side C utilizing steel bar joists. The Fire Department Connection (FDC) is on Side C. Question 1 asks what actions the candidate should take to full address the incident. Question 2 states that during the incident someone busts out of a window from one of the Side C classrooms and a recreation center counselor yells that there are still kids in there. It also indicates that crews are reporting that water is not flowing from the sprinkler heads. Question 2 then asks what actions should be taken based on this new information.

For the technical component of the Incident Command: Fire Incident, the assessor found that the appellant missed the mandatory response of checking the pressure being fed to the FDC in Question 2 and a number of additional opportunities, including the opportunity to assign a safety officer. The assessor used the “flex” rule to give a score of 3. On appeal, the appellant argues that he did state that he would appoint a Safety Officer to ensure scene safety. He also avers that he should have been credited with checking the pressure being fed to the FDC, as he addressed the issue of no water flow from the sprinklers with sufficient remedies, including stating that he would check for kinks in the hose line supplying the FDC and make connections to the first floor outlets and connect the FDC elsewhere in case of a fault.

Regarding the flex rule, mandatory responses are responses that are requirements for a performance to be minimally acceptable (a score of 3). Sometimes, a candidate states many additional responses but does not give a mandatory response. The flex rule was designed to assign a score of 3 to candidates who fail to give a mandatory response but who provide many additional responses. However, a score higher than a 3 cannot be provided in those cases.

In reply, the Commission observes that the appellant's response to Question 2 was very brief and that while the appellant did indicate that he would support the sprinkler system and check for kinks in the hose line supplying the FDC and would supply the first floor standpipe outlet or supply another FDC elsewhere, he did so before indicating that he was beginning his response to Question 2. Since supporting the FDC was a mandatory response to Question 1 and checking the pressure being fed to the FDC was a mandatory response to the issue with the sprinkler system noted in Question 2, it was imperative that the appellant make clear that he was checking the pressure being fed to the FDC during the portion of his response covering Question 2. Here, because he failed to do so, he was properly denied credit for this mandatory response to Question 2 and his score of 3 using the flex rule for the technical component of the Incident Command: Fire Incident was correct.¹

CONCLUSION

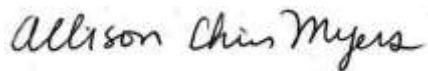
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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 11TH DAY OF OCTOBER, 2023



Allison Chris Myers
Chairperson
Civil Service Commission

¹ The Commission finds that the appellant did indicate that he would designate a Safety Officer. Nevertheless, because this was considered an additional response and the appellant was awarded a score of 3 for the technical component of this scenario pursuant to the flex rule, crediting him with this additional PCA does not change his score for the technical component of this scenario.

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