



**STATE OF NEW JERSEY**

In the Matter of Steven Crampton,  
Battalion Fire Chief (PM3390C),  
Paterson

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

CSC Docket Nos. 2023-1351 and  
2023-2227

Examination Appeal and  
Administrative Appeal

**ISSUED:** December 20, 2023 **(ABR)**

Steven Crampton, represented by Jared E. Drill, Esq., appeals his score on the promotional examination for Battalion Fire Chief (PM3390C), Paterson. The appellant also challenges the provisional appointments of multiple candidates to the subject title. Because these matters involve similar issues, they have been consolidated herein.

Crampton’s Scoring Appeal

The subject promotional examination was held on May 23, 2022, and 45 candidates passed. The appellant passed the examination with a final average of 80.500 and ranks 37<sup>th</sup> on the eligible list. 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: Supervision, Administration and Incident Command. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission (Commission), which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data. 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.”

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical scoring procedures. Each of these SMEs were current or retired fire officers who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. Candidates were also assessed by three New Jersey Civil Service Commission employees trained in oral communication assessment. 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 assessor also noted any weaknesses that detracted from the candidate's overall oral communication ability. Each assessor 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 Supervision scenario, the appellant scored a 5 on the technical component and a 4 on the oral communication component. On the Administration scenario, the appellant scored a 4 on the technical component and a 4 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 2 on the technical component and a 4 on the oral communication component.

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

The Incident Command scenario involves a response to a fire at a local auto parts store and auto repair shop. Question 1 asks what specific actions the candidate would take upon arriving at the scene. The prompt for Question 2 indicates that while crews are involved in extinguishment operation, an explosion occurs on Side C, emergency radio traffic has been transmitted by a fire fighter and that structural

damage is now visible on Side C. Question 2 asks what specific actions the candidate should now take based upon this new information.

For the oral communication component, the assessor awarded the appellant a score of 4, based upon a finding that the appellant's low speaking voice and fast-paced speech constituted a minor weakness in inflection/rate/volume, particularly during his response to Question 2. As to the technical component of the Incident Command scenario, the SME awarded the appellant a score of 2, based upon the appellant's failure to perform the mandatory response of ordering an emergency evacuation in response to Question 2 and his failure to identify a number of additional PCAs in response to Questions 1 and 2, including opportunities to consider foam operations and to identify materials.

On appeal, the appellant argues that he was not soft-spoken at any point during his presentation and that he was clear, concise and informative throughout his response. He maintains that any purported issue with the volume of his speech is attributable to how far away the recording devices were placed from him. He also contends that conditions in the presentation room meant that if he spoke too loudly, it would have caused an echo. As to his rate of speech during Question 2, he avers that his rate of speech was the product of the time constraints and complexity of the subject scenario. Concerning the technical component of his score, he asserts that he covered the mandatory response of ordering an evacuation through a series of statements he made between the 35:20 and 36:00-minute mark in the recording of his presentations, including stating "I went with an urgent message and withdrew all members," sounding evacuation tones and calling for a Personnel Accountability Report (PAR). He further maintains that *N.J.A.C. 5:75-2.7*; the New Jersey Division of Fire Safety and Kean University, *New Jersey Fire Fighter Skills Addendum* (4<sup>th</sup> ed. 2021); New Jersey Division of Fire Safety, *Model Fire Department Incident Management Standard Operating Guides - Booklet 9* (2011); and Vincent Dunn, *Collapse of Burning Buildings: A Guide to Fireground Safety* (2<sup>nd</sup> ed. 2010) support the conclusion that he performed the actions necessary to credit him with ordering an evacuation of the building.

#### Provisional Appointments to the Title of Battalion Fire Chief

By way of background, agency records indicate that Craig Bland, John Mauro, and Ronald Bator were provisionally appointed to the title of Battalion Fire Chief effective March 1, 2022, July 1, 2021, and May 2, 2022, respectively. All three took and passed the subject promotional examination and rank above the appellant on the subject eligible list.

Certifications were issued from the subject eligible list on February 16, 2023, (PL230195) and March 27, 2023 (PL230380). The PL230195 certification was

canceled on March 22, 2023. The PL230380 certification, which contains the names of the 12 eligibles ranked first through 12<sup>th</sup>, has not yet been disposed of.

On appeal, the appellant states that “[u]pon information and belief, there are currently two provisional Battalion people in place that did not take this exam.” He argues that the appointing authority is in violation of *N.J.A.C. 4A:4-1.25(b)*<sup>1</sup> and 4A:4-4.2. The appellant argues that he is entitled to be appointed with monetary damages for the salary and lost time in the pension system and requests that these incumbents should be demoted to make room for the appellant to advance.

## CONCLUSION

### Crampton’s Scoring Appeal

With regard to the appellant’s appeal of his score on the PM3390C examination, the Commission finds that the appellant has not sustained his burden of proof with respect to his challenge of the oral communication score for the Incident Command scenario and that his inflection/rate/volume for this scenario was appropriately characterized as a minor weakness. In this regard, the appellant was soft-spoken during portions of his presentation, particularly beginning around four minutes 15 seconds into his response to this scenario. Additionally, the appellant’s arguments about rate of speech are without merit. The appellant’s rate of speech in response to Question 2 was noticeably brisk and the product of the appellant failing to efficiently manage his response. In this regard, the Commission notes that the appellant spent much of the first two minutes of his presentation repeating information that was in the prompt. In addition, he repeated certain actions he would perform, including using thermal imaging cameras and tools for probing, as well as monitoring air supplies. Moreover, he did not begin his response to Question 2 until after he was informed by a monitor that he had two minutes left to give his presentation. Thus, it cannot be said that the complexity of the scenario required the appellant to rush through his presentation. Accordingly, the appellant’s score of 4 for the oral communication component of the Incident Command scenario is sustained.

Similarly, a review of the appellant’s technical presentation fails to demonstrate that he should have received credit for the mandatory response of ordering an evacuation of the building. A review of the recording of the appellant’s presentation indicates that he stated “once rescued, urgent message and withdrawal from the building.” In context, this appeared to be a reference to the Rapid Intervention Crew (RIC), withdrawing from the building after rescuing the Fire Fighter who made the emergency call referenced in Question 2 and was not a

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<sup>1</sup> The Commission notes that *N.J.A.C. 4A:4-1.25* does not exist in the New Jersey Administrative Code. Based on the context of the appellant’s arguments, the Commission interprets this as an intended citation to *N.J.A.C. 4A:4-1.5(b)*, which governs situations where employees serving on a provisional basis fail to file for and take an examination that has been announced for their title.

statement that he would order an evacuation. While the appellant also sounded evacuation tones and conducted a PAR, the Commission observes that these are only part of the protocol for an evacuation and separate PCAs for which the appellant did receive credit. Importantly, *N.J.A.C. 5:75-2.7(c)* states that “[w]henver an emergency evacuation signal is being sounded, there shall also be a radio message transmitted either from the incident scene or from the designated fire department dispatch center announcing the evacuation order. To the extent possible, the radio message should be coordinated with the sounding of the evacuation signal to insure the radio messages are heard.” Thus, because the incident commander or designee ordering an evacuation is a prerequisite to sounding an evacuation signal and because an evacuation signal is only one part of the protocol for ordering an evacuation, the appellant’s activation of emergency tones was insufficient to award him credit for the mandatory response of ordering an evacuation. Accordingly, these statements and the other actions cited by the appellant in response to Question 2 were insufficient to award him credit for the mandatory response of ordering an evacuation. Therefore, the appellant’s score of 2 for the technical component of the Incident Command scenario is sustained.

#### Provisional Appointments to the Title of Battalion Fire Chief

*N.J.A.C. 4A:4-1.5(b)* states that any employee who is serving on a provisional basis and who fails to file for and take an examination that has been announced for his or her title shall be separated from the provisional title. The appointing authority shall be notified by the Chairperson or designee and shall take necessary steps to separate the employee within 30 days of notification, which period may be extended by the Chairperson or designee for good cause.

The appellant has not met his burden of proof regarding the issue of the provisional appointments to the title of Battalion Fire Chief. Contrary to the appellant’s assertion, the only three incumbents serving provisionally in the title of Battalion Fire Chief all took and passed the subject examination. Thus, to the extent the appellant relies upon *N.J.A.C. 4A:4-1.5(b)*, the Commission finds it is inapplicable to the subject provisional appointments. Accordingly, there is no basis to order that he be permanently appointed to the title of Battalion Fire Chief or award any compensation.

#### **ORDER**

Therefore, it is ordered that these appeals 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 20<sup>TH</sup> DAY OF DECEMBER, 2023

*Allison Chris Myers*

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Allison Chris Myers  
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: Steven Crampton  
Jared E. Drill, Esq.  
Division of Administration  
Division of Test Development, Analytics and Administration  
Records Center