



STATE OF NEW JERSEY

In the Matter of Ryan Higgins,
Battalion Fire Chief (PM3390C),
Paterson

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

CSC Docket No. 2023-1924

Examination Appeal

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

Ryan Higgins appeals his score on the promotional examination for Battalion Fire Chief (PM3390C), Paterson. It is noted that the appellant passed the examination with a final average of 84.540 and ranks 18th on the eligible list.

The subject promotional examination was held on May 23, 2022, and 45 candidates passed. 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 5 on the oral communication component. On the Administration scenario, the appellant scored a 3 on the technical component and a 5 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 2 on the technical component and a 5 on the oral communication component.

The appellant challenges his score for the technical component of the Incident Command scenario. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenario was 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.

The assessor awarded the appellant a score of 2 on the technical component based upon a determination that the appellant failed to perform the mandatory action of ordering an evacuation in response to Question 2 and missed a number of additional opportunities in response to Questions 1 and 2 including, in part,

monitoring the air, ensuring that horizontal ventilation would be performed and considering foam operations.

On appeal, the appellant argues that he should have been credited with conducting an emergency evacuation based upon an order he gave at a specified point in his presentation to dispatch all members and by advising drivers to sound an evacuation signal via air horns. Similarly, he avers that he ensured horizontal ventilation would be performed by stating that he would have engine companies perform horizontal/hydraulic ventilation and that he would have his ladder companies conduct ventilation via horizontal ventilation.

CONCLUSION

In the instant matter, a review of the appellant's Incident Command presentation fails to demonstrate that he covered the mandatory response of ordering an emergency evacuation in response to Question 2. Initially, sounding evacuation tones was a distinct action for which the SME awarded credit to the appellant. Critically, sounding an evacuation signal is only one part of evacuation protocol. *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 statement that he would activate emergency tones and air horns was insufficient to award him credit for the mandatory response of ordering an evacuation. Accordingly, the statement cited by the appellant in response to Question 2 was insufficient to award him credit for the mandatory response of ordering an evacuation.

Conversely, upon review of the appellant's appeal, the Division of Test Development, Analytics and Administration agrees that he should have been awarded credit for the additional PCAs of ensuring horizontal ventilation was performed and considering foam operations. Based upon the foregoing, the appellant's technical component score for the Incident Command scenario shall be increased from 2 to 3, in accordance with the flex rule¹.

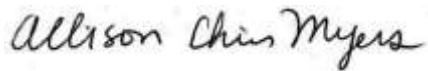
ORDER

¹ Generally, candidates must identify all mandatory responses to receive, at minimum, a score of 3. However, a score of 3 may also be achieved via the "flex rule," where a candidate provides many additional responses, but does not give a mandatory response. However, a score higher than a 3 cannot be provided utilizing the flex rule.

Therefore, it is ordered that this appeal be granted in part and that the appellant's score for the technical component of the Incident Command scenario be raised from 2 to 3. It is further ordered that this scoring change be given retroactive effect.

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 20TH DAY OF DECEMBER, 2023



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