



STATE OF NEW JERSEY

In the Matter of Miguel Sousa, Fire
Captain (PM2325C), Elizabeth

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

CSC Docket No. 2023-2315

Examination Appeal

ISSUED: September 25, 2024 (ABR)

Miguel Sousa appeals his score on the oral portion of the promotional examination for Fire Captain (PM2325C), Elizabeth. It is noted that the appellant passed the subject examination with a score of 80.420 and ranks 39th on the subject eligible list.

This two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 35.90% of the score was the written multiple-choice portion, 22.04% was the technical score for the evolving exercise, 7.45% was the supervision score for the evolving exercise, 5.71% was the oral communication score for the evolving exercise, 23.20% was the technical score for the arriving exercise, 5.71% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (Evolving Scenario); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (Arriving Scenario). Knowledge of supervision was measured by a question in the Evolving Scenario, and was scored for that scenario. For the Evolving Scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. 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. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process. 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."

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.

On the Evolving Scenario, the appellant scored a 2 on the technical component, a 5 on the supervision component, and a 4 on the oral communication component. On the Arriving Scenario, the appellant scored a 2 on the technical component and a 3 on 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 involves the response to a report of smoke rising from a bookstore located at the end of a strip mall. The candidate is the first-level supervisor of Ladder 4 and arriving first on scene. The rest of the alarm is slated to arrive momentarily, but Battalion 3 is delayed. The candidate is initially the highest-ranking officer on scene and will serve as incident commander until the battalion chief relieves them. The store has a steel bar joist-supported metal deck roof and is made of noncombustible construction with masonry walls. The candidate is greeted by the store manager upon arrival, who informs them that all store employees are accounted for, but that he is unsure about the customers. Question 1 asks what the candidate's orders and actions are to fully address this incident. Question 2 asks what information should be given to the incoming battalion chief.

The SME awarded the appellant a score of 2, based upon a finding that the appellant failed to order an engine to feed the fire department connection (FDC) and several additional opportunities in response to Question 1 and failed to identify any PCAs in response to Question 2, including the mandatory response of debriefing the battalion chief on the current fire conditions and the additional opportunity of informing the battalion fire chief about the truss roof. On appeal, the appellant argues that he briefed the battalion fire chief about the truss roof and its five-to-ten minute collapse potential, as well as how dripping tar balls could ignite multiple fires in other areas of the building.

In reply, the actions cited by the appellant on appeal were items he stated during his response to Question 1 on the Evolving Scenario. The only statements he made during the portion of his response to Question 2 were about the actions he would take with respect to his company. He did not discuss what information he would give the incoming battalion chief, as required.¹ As such, his Evolving Scenario technical component score of 2 is affirmed.

The Arriving Scenario involves a fire in a small wooded area in a residential neighborhood in which the candidate is a first-level fire supervisor who will serve as the incident commander. Question 1 asks the candidate to deliver their initial report to the camera as they would upon arrival at this incident, using proper radio protocols. Question 2 asks the candidate what their initial actions should be.

The SME awarded the appellant a score of 2 for the technical component of the Arriving Scenario, based upon a finding that the appellant missed multiple mandatory responses, including ordering the first arriving engine company to establish a water supply and ordering a crew to stretch a hoseline to the fire, as well as a number of additional opportunities, including the opportunity to order a crew to stretch a backup line. On appeal, the appellant avers that he established a water supply, stretched attack and backup lines, located and extinguished the fire, and appointed a rehab officer for rotation, rehydration and replacement.

In reply, a review of the appellant's Arriving Scenario presentation on appeal fails to demonstrate that the appellant identified any of the PCAs at issue. Accordingly, his Arriving Scenario technical component score of 2 is affirmed.

¹ It is noted that the appellant discussed this during his Arriving Scenario presentation, but failed to do so during his Evolving Scenario presentation.

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 25TH DAY OF SEPTEMBER, 2024



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