



**STATE OF NEW JERSEY**

In the Matter of Dennis Staples, Fire  
Captain (PM5306D), Cinnaminson

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

CSC Docket No. 2024-1108

Examination Appeal

**ISSUED:** January 15, 2025 (ABR)

Dennis Staples appeals his score on the oral portion of the promotional examination for Fire Captain (PM5306D), Cinnaminson. It is noted that the appellant failed the subject examination.

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 70 percent of the final score and seniority was worth the remaining 30 percent. Of the test weights, 35.26% of the score was the written multiple-choice portion, 22.04% was the technical score for the evolving exercise, 2.79% was the oral communication score for the evolving exercise, 13.56% was the technical score for the administration exercise, 2.79% was the oral communication score for the administration exercise, 22.04% was the technical score for the arriving exercise, 2.79% was the oral communication score for the arriving exercise.

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. 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."

On the Evolving Scenario, the appellant scored a 2 on the technical component and a 5 on the oral communication component. On the Administration Scenario, the appellant scored a 1 on the technical component and a 5 on the oral communication component. On the Arriving Scenario, the appellant scored a 2 on the technical component and a 5 on the oral communication component.

The appellant challenges his scores on the technical components of the Evolving, Administration 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 fire reported at a home improvement store where the candidate, a second-level supervisor, will be the incident commander and will establish command on scene. Upon arrival, the candidate is greeted by the store manager, who reports that the fire on the roof and indicates concern that the solar panels on the roof may be the cause of the fire. Question 1 then asks what the candidate's actions, orders and requests are to fully address the incident. Question 2 advises that multiple crews are reporting that the roof is failing. It then asks the candidate what actions they should take to handle this new information.

The SMEs awarded the appellant a score of 2 on the technical component of the Evolving Scenario, based upon a finding that he failed to identify multiple mandatory and additional responses, including ordering the solar panel system to be deenergized/activating the emergency shutoff and the opportunity to appoint a safety officer. On appeal, the appellant argues that he covered ordering the solar panel system to be deenergized/activating the emergency shutoff by giving an order to secure utilities to the structure and requesting the electric company as an initial resource to secure electrical hazards. Regarding the PCA of appointing a safety officer, the appellant contends that since his span of control was seven (six units plus staging), he was within the permissible span of control set forth in National Incident Management System's (NIMS) Incident Command System (ICS) and did not need to delegate safety officer duties to another fire officer. He concedes that it was on the higher end of the effective span of control set forth under the ICS and not the recommended or optimal goal. Nevertheless, he avers that because he was not required to delegate responsibility per the ICS, he should not have been penalized for declining to appoint a safety officer.

In reply, requesting the utility company was a distinct PCA from the mandatory response of ordering the solar panel system to be deenergized/activating the emergency shutoff. It is noted that the appellant was properly credited with requesting the utility company. However, as noted above, 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." Here, the appellant's statement about requesting the utility company failed to specifically address the need to deenergize solar panel system/activate the emergency shutoff. Further, a review of the appellant's Evolving Scenario presentation fails to demonstrate that he otherwise covered this specific action. As such, he was properly denied credit for this mandatory response. Turning to the PCA of appointing a safety officer, as noted in the 2022 2<sup>nd</sup> Level Fire Supervisor Orientation Guide, the PCAs for the oral portion of the subject examination were developed by the Division of Test Development, Analytics and Administration (TDAA), in consultation with a panel of SMEs having 2<sup>nd</sup> Level Fire Supervisor or higher experience. As such, the PCA of appointing a safety officer was a valid action. Indeed, the appellant effectively concedes that doing so would be better, as his span of control was greater than the ICS' recommended or optimal range. Even assuming, *arguendo*, that it would be reasonable for the appellant, as incident commander, to retain safety officer duties, it still would have been necessary for the appellant to acknowledge that he was doing so. A review of the appellant's presentation confirms that he did not directly acknowledge that he would act as his own safety officer. Accordingly, the appellant's arguments regarding the PCA of appointing a safety officer must also be rejected. Therefore, based upon the foregoing, the appellant has failed to sustain his burden of proof with respect to the Evolving Scenario and his technical component score of 2 is affirmed.

The Administration Scenario presents that the candidate is a newly-appointed second-level fire supervisor (Captain) of Engine 1, shift B and that the shift's supervisory crew is rounded out by Lieutenant Jones, who is responsible for the pre-shift equipment and apparatus checks. The scenario further indicates that early in the candidate's shift, the station is dispatched to a structure fire. Upon arrival, the incident commander (IC) orders Ladder 1 to the roof for vertical ventilation. However, as the crew prepares to carry out the IC's orders, a member of Ladder 1's crew advises that the chainsaw is missing from one of the compartments. The crew is then forced to obtain a chainsaw from another truck before the proceeding to the roof. Question 1 then asks what actions the candidate should take to fully address this situation. Question 2 states that after the situation has been addressed, the candidate sees Ladder 1's missing chainsaw in the rear of one of their crew member's trucks. The truck with the chainsaw in it belongs to Firefighter Lambing. Question 2 then asks what additional actions the candidate should now take.

The SME awarded the appellant a score of 1 based upon his failure to identify a significant number of PCAs. On appeal, the appellant challenges the validity of the Administrative Scenario, maintaining that it provided only "limited and vague information" that "left much to interpretation." Additionally, the appellant maintains that he should have been credited with advising his supervisor about the situation based upon a statement he gave at a specified point during his presentation. Further, the appellant challenges the validity of the PCAs of requesting a written statement from Firefighter Lambing and to review Lieutenant Jones' personnel/training file. Concerning requesting a written statement from Firefighter Lambing, the appellant avers that it would have been the responsibility of Lieutenant Jones, as Lambing's immediate supervisor, and that if the appellant had made the request, it would have circumvented the chain of command and undermined Jones' authority over his subordinate. As to reviewing Lieutenant Jones' personnel/training file, he presents that because the "early into shift" call could arguably mean four or five hours into a 24-hour shift and that it would be reasonable to believe that Lambing removed the equipment at some point after the apparatus check, since the equipment was found in his personal vehicle and it was "unlikely that it would have been removed prior to the start of his shift" and more likely that it occurred after Jones' equipment check. The appellant contends that without a clear timeline and absent evidence that the equipment was removed prior to Jones' apparatus check, there would be no reason or justification for him to investigate wrongdoing on the part of Jones.

In reply, the appellant's challenge to the validity of the Administration Scenario is without merit. Concerning the appellant's complaint about the unclear timeline, regardless of how early in the shift the events occurred, it would be imperative to establish a definitive understanding of the events that transpired and to verify whether a proper inspection took place at the start of the shift. Since Lieutenant Jones would have been obligated to conduct a pre-shift apparatus and equipment inspection, reviewing his actions, training and whether he has had any

similar issues in the past would be integral steps in this process. Importantly, since reviewing Lieutenant Jones' files is not, without more, a disciplinary action, the appellant's trepidation in doing so is both misplaced and inaccurate. As to the PCA of requesting a written statement from Firefighter Lambing, even assuming, *arguendo*, that it would be reasonable to delegate the investigation to Lieutenant Jones, this PCA was a critical investigatory step following the discovery of the missing chainsaw in Lambing's truck and the appellant failed demonstrate his knowledge of this need. Accordingly, his challenge to this PCA is without merit. Finally, for the PCA of updating/documenting all information and forwarding it to his supervisor, upon review of the appellant's appeal, TDAA agrees that the appellant presented a reasonable course of action and that his statement was sufficient to award him credit for this PCA. Nevertheless, TDAA presents that even with the foregoing scoring change, the appellant's rating of 1 on the subject scenario would remain unchanged. The Civil Service Commission (Commission) agrees with TDAA's assessment of the appellant's Administration Scenario presentation.

The Arriving Scenario involved the response to a fire at a two-story, duplex, wood-framed, residential property with a common cockloft where the candidate, a second-level Fire Captain and the company officer of Engine 3, will be the highest-ranking officer on scene. Upon arrival, the candidate sees smoke coming from the second-floor windows on Side A. The police department has yet to arrive and a large crowd has gathered. There are some residents near the door yelling to see if anyone is inside. There are multiple cars parked in front of the residence. The prompt asks the candidates what their concerns are when sizing up this incident and what specific actions should they take to fully address this incident.

The SME awarded the appellant a score of 2, based upon his failure to identify a number of mandatory and additional responses, including, in part, identifying fire spread/attached exposures when sizing up the incident and the opportunity to assign a safety officer. On appeal, the appellant argues that he addressed the issue of fire spread/attached exposure at a specified point during his presentation where he directed his second alarm engine company to enter the Side D exposure, evacuate any occupants and check for any fire extension. Regarding his failure to appoint a safety officer, he gives the same argument he presented on the Evolving Scenario, maintaining that with the ICS standards and his span of control it was permissible for him not to delegate these duties to another officer.

In reply, identifying fire spread/attached exposures was a concern that candidates were required to specifically identify during size-up. Having the crew enter the exposure was a separate PCA for which the appellant received credit. Since a review of the appellant does not demonstrate that he covered this mandatory response related to size-up during his response, TDAA's denial of credit for this PCA is affirmed. As to appointing a safety officer, the Commission rejects the appellant's

argument for the reasons set forth in its response to his appeal of the Evolving Scenario, above.

## CONCLUSION

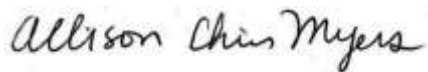
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record and, except as indicated above, the appellant has failed to meet his burden of proof in this matter.

## ORDER

Therefore, it is ordered that this appeal be granted in part and that appropriate agency records be revised to reflect the above-noted adjustments to the appellant's scoring records for the technical component of the Administration Scenario, but that the appellant's overall score for this component remain unchanged at 1.

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 JANUARY, 2025




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