STATE OF NEW JERSEY

In the Matter of Robert Tretola, *et al.,* First-Level Fire Supervisor (various jurisdictions)	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket Nos. 2025-205, *et al.*	Examination Appeals

ISSUED: February 26, 2025 **(ABR)**

Robert Tretola (PM2029F), Vincent Mascio (PM2025F), and Daniel Mizak (PM2019F) appeal the written portion of the promotional examination for First-Level Fire Supervisor (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The written portion of the subject examination was administered on May 30, 2024, and consisted of 75 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets: Booklet A (First-Level Fire Supervisor FastTest Supplemental Booklet) and Booklet B (2024 First-Level Fire Supervisor Examination). Booklet A contained stimulus material and Booklet B contained the exam questions.

Questions 1 through 12 on the written portion of the subject examination addressed a response to a fire reported at a two-story, split-level residential building in which the candidate is the first-level supervisor of Ladder 4 and where Battalion 3 has established command.

Question 8 indicates that during a search, the candidate's crew members discover a young child in a bedroom at the A/B corner of the building who is conscious and uninjured. It then asks which rescue technique is most appropriate to remove the victim. The keyed response is option b, a window rescue. On appeal, Mizak argues that the best response was option a, one-person walking assist. In support, Mizak

maintains that International Association of Fire Chiefs and National Fire Protection, *Fundamentals of Fire Fighter Skills and Hazardous Materials Response* (4th ed. 2019) at page 450 states that the simplest rescue is the exit assist when the victim is responsive and able to walk and that *id.* at 463 advises that a ladder rescue is often frightening to conscious victims. Mizak maintains that based upon these considerations, the one-person walking assist was the best response.

In reply, option a, the one-person walking assist would require taking the victim past the fire to reach the main entrance. Since the fire may have spread while the candidate and their team were conducting the instant search and rescue, it would be safer to instead utilize the keyed response of the window rescue. Accordingly, the keyed response is affirmed and Mizak's appeal of this item is denied.

Questions 13 through 23 on the written portion of the subject examination addressed a response to a fire reported at a two-story, two-family residential home in which the candidate is the incident commander throughout the incident. Upon arrival, the candidate's unit parks in front of the involved structure and the candidate does not see any visible smoke or flames. A neighbor approaches the candidate and informs them that they saw flames through the kitchen window and called 9-1-1.

Question 21 asks what type of nozzle should be attached to the main attack hoseline. The keyed response is option c, fog-stream nozzle. On appeal, Mascio and Tretola argue that option a, a smooth-bore nozzle was the best response. Mascio contends that the big droplets of water from a smooth-bore nozzle will more rapidly absorb heat than the small droplets of water from a fog-stream nozzle. Mascio also presents that a fog nozzle may accidentally get turned into a fog pattern during a fire attack, which could generate steam and cause burning. Tretola, citing *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 585-86, avers that because the fire in this scenario is located towards the rear of the structure, the smooth-bore nozzle will offer a longer reach and penetration while causing less air movement and less disturbance of thermal layering, providing more favorable conditions for attack crews than the fog stream nozzle.

In reply, the Division of Test Development, Analytics and Administration (TDAA) advises that reach and penetration would be more important in defensive operations where crews would need to be outside of a collapse zone or to address an immediate hazard such as a partial roof collapse. TDAA further presents that on the subject scenario, crews would instead utilize offensive operations and enter the building with hoselines. Utilizing the fog nozzle or combination nozzle as part of that effort would allow crews to use a straight stream or a fog-stream nozzle. Additionally, a fog-stream nozzle would offer more protection from backdraft, which is a risk in this scenario, as compared to a smooth bore nozzle. In this regard, *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 587, states that "[f]og-stream nozzles produce fine droplets of water. These are sometimes called spray

nozzles or adjustable fog-stream nozzles. The advantage of creating these droplets of water is that they absorb heat much more quickly and efficiently than does a solid column of water." Here, since the interior of the building is filling with smoke and becoming superheated due to the limited ventilation in the area of the fire, cooling the area around the fire will lessen the possibility of backdraft and reignition. A smooth-bore nozzle will not be as effective for hydraulic ventilation. As such, that item is correct as keyed.

Questions 24 to 34 on the written portion of the subject examination involved a response to a motor vehicle accident along the southbound side of a major road connecting suburbs to a city. It is stated that the candidate, the first-level supervisor for Ladder 4, will be the incident commander and that there are no fire hydrants in the area. Upon arrival, the candidate sees that the sedan has veered off the road and is resting on its tires in a grassy median, with heavy damage on both side of the vehicle. Further, the driver and the front-seat passenger are both in the vehicle and unresponsive.

Question 24 states that the candidate is traveling south on the highway with the flow of traffic and asks how the candidate will direct Ladder 4 to park. The keyed response is option d, just before the accident and angled with the direction of traffic. On appeal, Tretola argues that the best response is option a, just before the accident and angled towards the rail, because positioning the truck "towards the rail" can be the same position as "in line with traffic" if there are rails in the center and sides of the highway.

In reply, *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 892, states to "[p]osition large emergency vehicles so that they provide a barrier against motorists who fail to recognize or heed emergency warning lights. Many departments place apparatus at an angle to the [motor vehicle accident] and pointing away from oncoming traffic. This position helps to push the apparatus to the side of the accident in the event that the emergency apparatus is struck from behind." Since the diagrams for the scenario show that the directions of travel on the highway would be physically separated, there would not be any incoming traffic to worry about and the apparatus should be placed in the direction of traffic flow. Option d would provide maximum protection to the accident scene and ensure that if the truck were hit, it would not move into the area of the collision. Even assuming, *arguendo,* that "angled towards the rail" could be equivalent to "in line with traffic" if there are rails on both sides, clearly option d would have been the better option, as only the latter would unequivocally ensure an orientation angled with the direction of traffic. Accordingly, Tretola has failed to sustain his burden of proof and his appeal of this item is denied.

Question 27 asks which piece of equipment must the hoseline crew be equipped with. The keyed response is option b, a full self-contained breathing apparatus

(SCBA). On appeal, Tretola argues that option a, a high-visibility vest, was the best response. In this regard, he presents that because there was merely a fluid leak without fire conditions present, *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 892, states that "you must wear a high-visibility safety vest that is compliant with the American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) 107-2015 standard for Type P vests."

In reply, it is noted that the fluid that has spilled on scene is fuel and that *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 893 advises to "[l]ook for spilled fuel and other ignitable substances," and also notes that "[m]otor vehicles use a variety of fuels and lubricants that might pose fire hazards" and that "[a] short in the electrical system or a damaged battery may cause a post-[motor vehicle accident] fire by releasing sparks and igniting spilled fuel." Importantly, the full text of the passage Tretola cites is "*[u]nless you are exposed to or are likely to be exposed to fire conditions,* you must wear a high-visibility safety vest that is compliant with the American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) 107-2015 standard for Type P vests." *Id.* at 892 (emphasis added). The fuel spill presented in the scenario would fall into this category, as it is advised "[i]f fuel or other ignitable liquids are spilled at the scene of a[motor vehicle accident], a charged hose line should be advanced to the vehicle. This hose line should be at least 1 ½ in. (38 mm) in diameter and be staffed by a fire fighter *in full firefighting PPE and self-contained breathing apparatus (SCBA).*" *Id.* at 895 (emphasis added). Thus, Tretola has failed to sustain his burden of proof with respect to this question and the keyed response is affirmed.

Question 29 presents that the sedan doors are locked, and the windows are closed. It then asks what the crew should break to gain access to the victims. The keyed response is option b, rear passenger-side window. On appeal, Mizak argues that option d, the front driver-side window, was the best choice, as *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 902, advises "[i]f you must break a window to unlock a door or gain access, cover the victim, if possible, and try to break a window that is farthest away from the victim. If the victim's condition requires your immediate entry, however, do not hesitate to break the closest window" and the victims were in need of immediate care because they were unresponsive.

In reply, while Mizak is correct that the victims are unresponsive, there is nothing to suggest that the victims are in such immediate peril as to necessitate the more hazardous action of breaking the closest window open. Rather, the prompt advises that the sedan is resting on its tires. Therefore, based upon *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra*, because the rear passenger-side window was on the undamaged side of the vehicle and equidistant from the victims, it was the best response. TDAA further presents that part of the SMEs' rationale for the keyed response is that with the driver's side of the vehicle being damaged, it may take significant effort to open the doors on that side.

Conversely, since the passenger side is undamaged, those doors would be easier to open. Since the keyed response is the only choice presented making entry through the passenger side, it is the best response to Question 29 and Mizak's appeal of this question is denied.

Question 31 states that while the driver is being removed from the vehicle, he stops breathing but has a pulse. It indicates that there are no signs of a neck injury; however, he has suffered a broken nose. It then asks what the first action firefighters should take to provide rescue breathing. The keyed response is option b, to tilt the patient's head back and lift the chin. On appeal, Mascio presents that if a neck injury is suspected,[1] the correct method would be a jaw thrust maneuver, but since that was not an answer choice, option d would be the best response. Tretola argues that with the driver's facial trauma, namely his broken nose, a neck injury cannot be ruled out. He therefore contends that a head tilt and chin lift could cause severe damage if the driver's neck is compromised.[2]

In reply, the SMEs advise that the first thing that would need to be done in such a scenario would be to clear the patient's airway. The SMEs further present that the techniques which could clear the driver's airway in such a scenario would be to tilt the driver's head back and lift the chin or to perform a jaw-thrust. Since the head tilt was the only one of those two options presented among the response choices for Question 31, option b was the best choice. The SMEs state that this would be true even if the victim had a neck injury. Option d was not the best response because if the driver's airway was obstructed, rescue breathing would be ineffective.

Question 32 presents that the patient has begun breathing independently after rescue breathing was performed, but he is still unconscious. It then asks what should be done to maintain the airway. The keyed response is option c, to insert an oropharyngeal airway. On appeal, Tretola argues that an oropharyngeal airway should not be inserted if the patient is adequately breathing. It is noted that Tretola selected option a, to insert a nasopharyngeal airway, on the examination.

In reply, Stephen J. Rahm, Alfonso Mejia, Andrew Pollak, and Jacqueline Nemer, *Basic Life Support (BLS) for the Health Care Provider: Meets CPR and ECC Guidelines* 78-79 (6th ed. 2022) states that "[t]he most commonly used simple airway adjunct is the oropharyngeal (oral) airway . . . [b]ecause the oral airway will likely stimulate the oropharynx and cause gagging, it should be used only in unconscious patients who do not have a gag reflex." Conversely, *id* at 81 states that a nasopharyngeal airway should be used on conscious or semiconscious patients who have a gag reflex and should not be used on victims with suspected skull, nose, or

[1] As noted above, Question 31 explicitly states that there are no signs of a neck injury.

[2] On appeal, Tretola does not state which option was the best response, however it is noted that he selected option d on his answer sheet.

midface fractures. Accordingly, Tretola has failed to sustain his burden of proof and the keyed response to Question 32 is affirmed.

The prompt for Questions 46 through 55 presents a response to a reported fire in a restaurant where the candidate will be the incident commander. Side A of the building faces part of the parking lot, beyond which is an on-and-off ramp for the local highway and an office building. Side B faces part of the parking lot, beyond which are a four-lane two-way road and another office building. Side C faces part of the parking lot, beyond which is an apartment building with eight units 100 feet away. Side D faces part of the parking lot, beyond which is a roadway.

Question 48 asks which of four listed actions is least important at this incident. The keyed response is option a, to ensure that nearby exposures are evacuated. On appeal, Tretola argues that the best response was option b, to request HAZMAT. Tretola argues that evacuating the exposures was a greater concern than calling for HAZMAT because firefighters working would already be protected against HAZMAT by their personal protective equipment (PPE) and self-contained breathing apparatuses (SCBA). Tretola further cites the statement "human life takes precedence over all other concerns" from John Norman, *Fire Officer's Handbook of Tactics* 7 (5th ed. 2019) in support.

In reply, SMEs involved with the development of the subject examination observed that because the exposure was upwind from the fire and far enough away from the fire building, it was not considered to be in significant danger. Conversely, given the materials a restaurant is likely to have on site, HAZMAT would almost certainly be needed.[3] Tretola's citation of a general quote from Norman, *supra*, cannot be said to demonstrate that the SME justification for the keyed response is unsound, especially as other passages from the same source emphasize that life safety concerns include the lives of firefighters and highlight the risks to firefighters present at fires in nonresidential buildings like the one in subject scenario. *See ibid.*; *see also id.* at 18. In particular, Norman, *supra* at 18, notes that rate of fatalities for firefighters at incidents in nonresidential buildings was 10 times greater times than at residential buildings between 2011 and 2015. Moreover, Norman, *supra* at 18, details the risks of HAZMAT in commercial properties, including how in many instances the presence of HAZMAT may not be obvious and that hundreds of hazards could escape the initial attention of firefighters. For all of these reasons, it cannot be said that Tretola has sustained his burden of proof. Accordingly, the keyed response is affirmed.

The prompt for Questions 66 through 75 provides that the candidate is the first-level fire supervisor who will be incident commander at a fire reported at a two-story, single-family, lightweight wooden residential home having a roof with a 65-degree pitch.

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[3] Common examples of hazardous materials in restaurants include propane gases (LPG), solid fuel, alcohol, K-1 kerosene, ethanol, and alcohol-based hand sanitizers. *See* New York City Fire Dept., Restaurant Safety Guide 52 (Sept. 2024), https://www.nyc.gov/assets/fdny/downloads/pdf/business/restaurant-fire-safety-guide.pdf.

Question 74 states that the candidate orders the roof above the bedroom in the C/D corner to be ventilated to help control the spread of the fire. The candidate notices a firefighter climbing a ground ladder with a rotary saw to make the ventilation cut and then asks about the advisability of this course of action. The keyed response is option b, that it was inadvisable because the pitch of the roof made using a power tool from a ground ladder dangerous. Mizak argues that Norman, *supra* at 386, indicates that on roofs with higher pitches, both circular and chain saws can be dangerous and that on high-pitch roofs, if one cannot operate the saw from the basket of a platform, use an axe. As such, Mizak argues that using an axe would have been the best response, but since that was not an option, the best response was option d, that the cut should be made from the tower ladder on scene.

In reply, while Mizak is correct that making the cut from a platform would be acceptable, the keyed response was correctly considered the best response, as it most directly articulated why it was inadvisable for the firefighter to climb the ladder to make the roof cut with a rotary saw. Accordingly, Mizak has failed to sustain his burden of proof and the keyed response is affirmed.

Question 75 presents that the incident is declared under control, but that the origins of the fire are suspicious. It then asks what action should be performed first during overhaul operations. The keyed response is option c, to contact the fire investigator and coordinate overhaul with them. On appeal, Tretola argues that the best response was option b, to check for void spaces that could allow fire to move throughout the structure, as he contends that it is a necessary prerequisite to beginning an investigation.

In reply, *Fundamentals of Fire Fighter Skills and Hazardous Materials Response, supra* at 757, states that "[o]verhaul crews must work with fire investigators to ensure that important evidence that could indicate the cause or area of origin of a fire is not lost or destroyed as a result of their efforts to extinguish all remnants of the fire." In other words, crews would still perform overhaul operations and look for remnants of the fire, but would do so with the guidance of the fire investigator. Accordingly, the keyed response was the best response and Tretola has failed to sustain his burden of proof.

CONCLUSION

A thorough review of the appellants' submissions and the test materials reveals that the appellants' examination scores are amply supported by the record, and the appellants have failed to meet their burden of proof in this matter.

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 26TH DAY OF FEBRUARY, 2025

Allison Chris Myers

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