



**STATE OF NEW JERSEY**

In the Matter of Matthew  
Majkotoski, Deputy Fire Chief  
(PM4480E), Irvington

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

CSC Docket No. 2025-416

Examination Appeal

**ISSUED: March 19, 2025 (ABR)**

Matthew Majkotoski appeals his score on the promotional examination for Deputy Fire Chief (PM4480E), Irvington. It is noted that the appellant failed the subject examination.

The subject promotional examination was held on April 24, 2024, and seven candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises. Each exercise was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command: Non-Fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command: Fire Incident. The test was worth 70 percent of the final score and seniority was worth the remaining 30 percent. The various portions of the test were weighted as follows: technical score for the Incident Command: Non-Fire scenario, 24.42%; oral communication score for the Incident Command: Non-Fire scenario, 3.155%; technical score for the Supervision scenario, 14.17%; oral communication score for the Supervision scenario, 3.155%; technical score for the Administration scenario, 11.81%; oral communication score for the Administration scenario, 3.155%; technical score for the Incident Command: Fire Incident scenario, 36.98%; and oral communication score for the Incident Command: Fire Incident scenario, 3.155%.

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, fire fighting 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 in the technical component for some scenarios, 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.

This examination was given using the chain oral testing process, and candidates were given 10 minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from no response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 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. 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 Incident Command: Non-Fire Incident scenario, the appellant scored a 1 on the technical component and a 4 on the oral communication component. On the Supervision scenario, the appellant scored a 2 on the technical component and a 3 on the oral communication component. On the Administration scenario, the appellant scored a 2 on the technical component and a 4 on the oral communication component. Finally, on the Incident Command: Fire Incident scenario, the appellant scored a 5 on the technical component and a 5 on the oral communication component.

The appellant challenges his score on the technical component of the Incident Command: Non-Fire Incident, Supervision and Administration scenarios. As a result, the appellant's test material, video recording and a list of possible courses of action for the scenarios were reviewed.

The Incident Command: Non-Fire Incident scenario presents that the candidate, as a newly-appointed Deputy Fire Chief, has been called to a technical rescue of two window washing employees who have become trapped because one of their support cables malfunctioned. They are hanging from the 12<sup>th</sup> floor of a 14-story office building. The prompt asks the candidate what actions they should take to fully address the incident.

The SMEs awarded the appellant a score of 1, based upon a finding that he missed several mandatory and additional responses, including assigning a crew to the roof, assigning a crew to the 12<sup>th</sup> floor, ensuring an attempt was made to stabilize the scaffolding and taking control of the elevators. On appeal, the appellant argues that as the incident commander, his focus would be on broader strategic objectives and he presents that he delegated the tactical decisions to the specialized units with the applicable technical knowledge and training. The appellant further submits that these specialized units “should automatically understand and implement technical actions, such as staging on the appropriate floors and controlling elevators.” He argues that such delegation would ensure that each unit would operate at maximum efficiency, contributing the overall success of the incident response.

In reply, all scenarios and PCAs on the subject examination, including the Incident Command: Non-Fire Incident scenario, were developed by the Division of Test Development, Analytics and Administration (TDAA), in consultation with a panel of SMEs holding the rank of Deputy Fire Chief or above. Even assuming, *arguendo*, that specialized technical units could automatically understand and implement the necessary actions, it is still imperative for an incident commander, particularly one holding the rank of Deputy Fire Chief, to have a working knowledge of the actions required to respond to an incident such as the one presented in the subject scenario. Such knowledge is critical to ensuring that a given response is safely and effectively carried out by all units. As such, the appellant’s arguments regarding the scenario are without merit. Further, because he does not allege that he identified specific PCAs that the SMEs failed to credit, further review of his Incident Command: Non-Fire Incident scenario presentation is unnecessary and his score of 1 for this component is affirmed.

The Supervision scenario involves the chief asking the candidate, as a recently appointed Deputy Fire Chief, to review a complaint from a resident about a city vehicle running red lights in non-emergency situations in their town. Based on the license plate information provided by the complainant, it is determined that the driver was Battalion Fire Chief (BFC) Rempe, who is under the candidate’s command. The chief instructs the candidate to address the issue fully with both BFC Rempe and the complainant. Question 1 then asks what specific initial steps the candidate should take to address the issue. Question 2 presents that three months after the initial incident, BFC Rempe is found to be at fault in a pedestrian motor vehicle accident in a non-emergency situation while on shift. The complainant from the prior incident then calls into the department and says he is going to tell the news about reporting BFC Rempe months earlier. It then asks what actions the candidate would proceed to take.

The SMEs awarded the appellant a score of 2, based upon a finding that he missed a significant number of PCAs, including sending BFC Rempe for fitness-for-duty testing, getting a copy of the police report and replacing BFC Rempe with

another BFC for the remainder of the shift. On appeal, the appellant maintains that his decision not to require a fitness-for-duty evaluation and to proceed without a police report were consistent with departmental protocols. In this regard, he avers that the fact pattern did not establish that BFC Rempe evidenced an injury or impairment that would justify a fitness-for-duty evaluation. Concerning the PCA of obtaining a copy of the police report, the appellant contends that because it was already established that BFC Rempe committed misconduct by using his emergency lights and sirens without justification, further details from the police report would not alter the fundamental issue and administrative measures could be taken immediately. He further maintains that immediate disciplinary action was crucial because of the seriousness of the conduct and a pressing need to deter similar misbehavior.

In reply, the appellant appears to have misinterpreted Question 1 as stating that BFC Rempe was improperly using his lights and sirens to run red lights. In actuality, the scenario's reference to "a city vehicle running red lights in non-emergency situations" referred to the vehicle being driven through the intersection while the traffic signal was red, not that the vehicle was using its lights improperly. The prompt made no mention of the siren being used. Further, sending BFC Rempe for a fitness-for-duty evaluation was a PCA in response to the second incident reported in Question 2. The fact pattern does not provide any information that would conclusively rule out the possibility of an injury or impairment contributing to the accident or the prior incident of BFC Rempe running a red light. As such, it would be prudent and appropriate to send BFC Rempe for a fitness-for-duty evaluation. Obtaining a copy of the police report would be an important action, as the report would speak to the underlying facts surrounding the incident, including BFC Rempe's actions in the moments leading up to the accident. The police report would thus be a key supporting document that would inform the appropriate departmental response, such as training and/or disciplinary action. Accordingly, the Commission finds that the appellant's arguments regarding the Supervision scenario are without merit. Further, because he does not allege that he identified specific PCAs that the SMEs failed to credit, further review of his Supervision scenario presentation is unnecessary and his score of 2 on the technical component is affirmed.

The Administration scenario involves the candidate, as a recently promoted Deputy Fire Chief, being told by the chief that the department has been given authorization to purchase a drone—the first such purchase by the department. The chief asks the candidate to fully research purchasing a drone and to provide him with the best option ahead of the chief's next meeting with the mayor. Question 1 then asks what specific steps the candidate should take to accomplish the chief's task. Question 2 presents that the drone has been purchased and will arrive in six weeks. The chief directs the candidate to develop a training program and place it in service. It then asks what actions they should now take.

The SMEs awarded the appellant a score of 2 on the technical component of the Administration scenario, based upon a finding that he failed to identify a number of PCAs, including, in part, reviewing standard operating procedures/standard operating guidelines (SOPs/SOGs) for purchasing vehicles, apparatus, equipment, etc.; obtaining estimates and quotes for the purchase; and creating a researching a maintenance program for the drone. On appeal, the appellant states that he consciously opted not to review SOPs/SOGs because of a “thorough understanding of the uniform procurement protocols mandated across New Jersey,” including “strict adherence to state contracts, participation in cooperative purchasing agreements, and obtaining multiple quotes to ensure competitive pricing.” He presents that his familiarity with the aforementioned standardized procedures made additional verification redundant and “eliminate[d] the need for repetitive validation of universally understood and implemented procedures across New Jersey, allowing the committee to focus on more strategic elements of the drone program’s implementation.”

In reply, even if one is familiar with SOPs/SOGs for purchasing, it is still prudent to review them ahead of a purchase like this, both to verify that one’s understanding of those SOPs/SOGs is up-to-date and as a refresher to ensure they don’t inadvertently overlook any requirements. Further, even assuming, *arguendo*, that it would be reasonable for a candidate to forego a review the SOPs/SOGs, it would still be imperative for a candidate to demonstrate their knowledge of the specific protocols that must be adhered to with the subject purchase and, here, a review of the appellant’s presentation does not indicate that he displayed such knowledge. Finally, the appellant does not argue that the SMEs erred in finding that he failed to identify any other PCAs. Accordingly, the appellant has failed to sustain his burden of proof with respect to the Administration scenario and his technical component score of 2 is affirmed.

## CONCLUSION

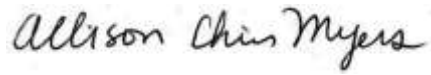
A thorough review of the appellant’s submissions and the test materials indicates that the decision below is amply supported by the record and the appellant has failed to meet his burden of proof in this matter.

## 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 19<sup>TH</sup> DAY OF MARCH, 2025



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