



STATE OF NEW JERSEY

In the Matter of Joseph Kelly, Fire
Officer 1 (PM2389C), Jersey City

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

Request for Reconsideration

CSC Docket No. 2025-589

ISSUED: April 9, 2025 (ABR)

Joseph Kelly requests reconsideration of the final decision, rendered on July 24, 2024, which granted in part his appeal of his score on the oral portion of the promotional examination for Fire Officer 1 (PM2389C), Jersey City.

By way of background, the Fire Officer 1 examination consisted of a multiple choice portion and an oral portion. The appellant challenged his score on the technical component of the Arriving scenario on the oral portion of the examination, which involved a response to a fire in a storage unit at a storage facility. In the prior decision, the Civil Service Commission (Commission) addressed the appellant's concerns and provided a complete analysis for the component appealed. The Commission credited the appellant with two additional items on appeal: one mandatory and one additional response. However, the Commission upheld the denial of credit for the mandatory response of establishing a water supply and several additional responses. The Division of Test Development, Analytics and Administration (TDAA) explained and the Commission affirmed that the appellant was properly denied credit for the mandatory response of securing a water supply, as although the appellant accounted for a water supply by stating that he would have his chauffeur go through the front grass and take the hydrant that was out in the street, such a strategy would be inappropriate for several reasons, including the fact that the appellant initially sent a ladder truck instead of an engine and that even if he were to send the first engine (Engine 2) on scene, the matter in which he did so was flawed, as what he described would be a reverse lay that would take the engine

outside of the storage complex at a time where it would be needed to stretch the necessary hoselines for extinguishment operations. Further, it was noted that doing so could be perilous,¹ as the prompt stated that the ground had residual ice and snow from a recent snowstorm, meaning that it could be difficult to get traction, especially if it softened from melting snow and ice. Accordingly, based upon the foregoing, the Commission affirmed the appellant's Arriving scenario technical component score of 2.

On reconsideration, the appellant reiterates his of the technical component of the Arriving scenario, particularly the mandatory response of securing a water supply. Specifically, the appellant argues that while he began his answer in the role of officer of Engine 2, he later corrected it to acknowledge that he was the officer of Ladder 3 and that he was ordering Engine 2 to establish a water supply. He proffers that by ordering Engine 2 to "stretch through the grassy area and hit that hydrant," he covered the mandatory response at issue. He avers that this was not an order to conduct a reverse lay, but rather one to perform a hand-stretch of the supply line without moving the apparatus. He contends that doing so would be feasible, as the fence was short enough to pass the hose over and the spires were spaced apart enough to fit a hose between them. He also maintains that this was feasible with the staffing levels presented in the 2022 1st Level Fire Supervisor Examination Orientation Guide. The appellant acknowledges that a forward lay would be more advantageous in terms of speed and ease, but he explains that he did not choose that course of action because of concerns that it would create access problems for later arriving units. Conversely, he avers that hand stretching would be a more efficient operation that allowed for greater operational flexibility as the incident evolved. Based upon the foregoing, the appellant maintains that he should have received credit for the mandatory response of establishing a water supply.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In this matter, the appellant has not met the standard for reconsideration. Specifically, the appellant was properly denied credit for establishing a water supply since the relevant statements he provided were problematic, contradictory and insufficiently clear. The appellant initially stated that upon arrival, he would stage

¹ Further, one of the test booklet diagrams showed a fence on Side "A" that separated the inner storage complex access road from the grass and the street running adjacent to the storage facility. Thus, it appeared that fencing would have to be removed before Engine 2 could attempt to traverse the strip of grass.

past the front of the storage unit, leaving room for the aerial apparatus and then would order his chauffeur to go through the front grass and take the hydrant on the street. Since the appellant was the first-level supervisor of Ladder 3, this was reasonably understood to mean that he would have Ladder 3 perform a reverse lay. Subsequently, instead of making it clear to his audience that he made a mistake in identifying which vehicle he would have lay a hoseline to establish a water supply, he attempted to gloss over it, saying “I will identify command as Engine Company . . . Ladder 3. As Ladder 3 arrives, I am the company officer. We will review our preplans and we will stage directly in front of . . . I’d like to check my notes for my tactics.” After checking his notes, he continued: “As I stated, Engine 2 will be the first unit. I will have Engine 2 stretch through the grassy area in order to hit the hydrant.” Even if this sufficed to correct his identification of the wrong unit (Ladder 3), it was inadequate to convey that he would perform a hand stretch, rather than a reverse lay. By uttering “[a]s I stated,” the appellant conveyed that he was continuing the course of action he communicated earlier in his presentation, *i.e.*, a reverse lay. Since “stretch” without more, as uttered by the appellant, could describe a reverse lay, it cannot be said that he corrected his acknowledged error and made clear to his audience that he was using an appropriate alternative technique to the reverse lay he initially described. As the Commission noted in its prior decision, having Engine 2 lay a hoseline in the manner he described would be highly problematic with Engine 6, the second due engine, delayed by 10 minutes. The best tactic for establishing a water supply under the circumstances would be the use of a forward lay, where the hoseline would be laid from the water source to the fire. A reverse lay would be imprudent, as it would take Engine 2 outside of the storage complex at a time where it would be needed to stretch the necessary hoselines for extinguishment operations, make it difficult to stretch attack lines because of the distance between the hydrant and the involved storage unit, and it would move Engine 2 out of range for preconnected hoselines.

Additionally, even assuming, *arguendo*, that the Commission were to accept the appellant’s contention that he conveyed that he would perform a hand stretch, TDAA maintains that the appellant failed to provide critical details about how he would manage the logistics necessary to establish a water supply with that technique, given the on-scene conditions. In particular, TDAA observes that the appellant did not address the presence of the fence during his presentation, let alone specify whether he would have the chauffeur feed the hoseline through or around it. TDAA submits that because of the spikes on the top of the fence, it would be hazardous for the chauffeur to climb over it. As such, the appellant would have needed to make clear how he would have the chauffeur navigate that obstacle or designate a crew member to assist with stretching the hoseline on the opposite side of the fence and connect to the hydrant outside of the complex. Since the appellant failed to do so during his presentation, TDAA argues that the Commission should reject his contention that he covered the steps necessary to establish a water supply. Beyond that, TDAA proffers that the appellant’s suggestion on reconsideration that he would

have fed the hoseline between the spires on top of the fence should also be rejected by the Commission as inadvisable based upon the scene conditions. Specifically, TDAA advises that a charged 5-inch supply line would not fit through the steel fence spires shown in the Side A View diagram in the examination materials. TDAA avers that even with a smaller 3-inch supply line, there is a risk that the line could be punctured by the fence spikes, which would disrupt the water supply. TDAA further presents that a hand stretch under these circumstances would take longer than a forward or reverse lay and, given the knowledge of the delay to Engine 6, made it imperative that Engine 2 perform a forward lay from one or two of the water supplies shown on the overhead diagram. The Commission agrees with TDAA's assessment in that regard.

Finally, the Commission must offer one point of clarification in its prior decision. The Commission's prior decision correctly ordered that the appellant's score for the technical component of the Arriving Scenario remain unchanged at 2. However, it failed to note that the foregoing was based, in part, upon the Commission's concurrence with a recommendation by TDAA that credit for the additional PCA of establishing a command post be stricken on appeal. In this regard, a review of the appellant's presentation on appeal revealed that while he established command, he failed to perform the distinct action of establishing a command post.

Accordingly, based upon the foregoing, the Commission finds that this request does not meet the standard for reconsideration and affirms the appellant's Arriving scenario technical component score of 2 on the subject examination.

ORDER

Therefore, it is ordered that this request 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 9TH DAY OF APRIL, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Joseph Kelly
Division of Administrative and Employee Services
Division of Test Development, Analytics and Administration
Records Center