



STATE OF NEW JERSEY

In the Matter of Anthony Rosario,
Fire Captain (PM5022D), Dover

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

CSC Docket No. 2024-1202

Examination Appeal

ISSUED: January 15, 2025 (ABR)

Anthony Rosario appeals his score on the oral portion of the promotional examination for Fire Captain (PM5022D), Dover. It is noted that the appellant achieved a passing score of 79.690 and ranks second 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 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 3 on the technical component and a 5 on the oral communication component. On the Administration Scenario, the appellant scored a 4 on the technical component and a 5 on the oral communication component. On the Arriving Scenario, the appellant scored a 3 on the technical component and a 4 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 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 is 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.

On the technical component of the Evolving Scenario, the SMEs awarded the appellant a score of 3, pursuant to the flex rule, based upon a finding that he failed to identify a number of mandatory and additional responses, including, in part, the mandatory response of ordering crews to use master streams to attack the fire on the roof in response to Question 1. On appeal, the appellant asserts that he covered this by referencing a defensive attack through aerial operations while maintaining an offensive attack to search for potential victims. He adds that at a later point in his presentation he indicated that he would deploy master streams once tactics changed to defensive operations. Accordingly, he maintains that he should have been credited with this PCA.

In reply, because the PCA of ordering crews to use the master streams to attack the fire on the roof was a mandatory response to Question 1, the appellant had to specifically address it during the portion of his response covering Question 1. The relevant statement the appellant gave during his response to Question 1 was that he would “establish a water . . . resource officer that will need to account for all the water needs if we are fighting this fire defensively through aerial operations. . . That will be determined based on the initial searches.” This statement was insufficient to award him credit for the PCA at issue because the appellant failed to specifically commit to deploying master streams to attack the fire on the roof, instead hedging as to whether he would do so. Further, the appellant’s subsequent direct mention of a master stream came during the portion of his response covering Question 2. As such, it was not creditable because it was not mentioned during his response to Question 1, as required. Accordingly, the appellant has failed to sustain his burden of proof with respect to the Evolving Scenario and his score of 3 on the technical component is affirmed.

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 3, based upon his failure to identify a number of mandatory and additional responses, including, in part, failing to mention life safety as a concern when sizing up the incident. On appeal, the appellant maintains that he covered this PCA by indicating that he would advance a charged hoseline, order a rapid primary search for victims, use tank water and utilize a fast attack.

In reply, the appellant was credited with the relevant actions he identified, such as ordering a primary search. However, a review of the appellant's Arriving Scenario presentation confirms that he failed to specifically identify life safety as a concern during his size-up, as required under the scoring standard. Accordingly, the appellant has failed to sustain his burden of proof and his Arriving Scenario technical component score of 3 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 15TH DAY OF JANUARY, 2025



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