



STATE OF NEW JERSEY

In the Matter of Frank Thompson,
Battalion Fire Chief (PM3377C),
Camden

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

CSC Docket Nos. 2023-1925 and
2023-2927

Examination Appeal

ISSUED: February 28, 2024 (**ABR**)

Frank Thompson appeals his score on the promotional examination for Battalion Fire Chief (PM3377C), Camden. It is noted that the appellant passed the examination with a final average of 83.870 and ranks 10TH on the eligible list.

The subject promotional examination was held on May 23, 2022, and 12 candidates passed. This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios: Supervision, Administration and Incident Command. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission (Commission), which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data. 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."

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical and oral communication scoring procedures. Each SME is a current or retired fire officer who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. Candidates were also assessed by three Commission employees trained in oral communication

assessment. As part of the scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An assessor also noted any weaknesses that detracted from the candidate's overall oral communication ability. Each assessor then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

For the Supervision scenario, the appellant scored a 5 on the technical component and a 5 on the oral communication component. On the Administration scenario, the appellant scored a 3 on the technical component and a 3 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 2 on the technical component and a 3 on the oral communication component.

The appellant challenges his scores on the technical components of the Administration and Incident Command scenarios. The appellant also requests a review of his seniority score on the subject examination. As a result, the appellant's test material, a listing of possible courses of action (PCAs) for the scenarios and the appellant's seniority score calculations were reviewed.

CONCLUSION

The Administration scenario involves the candidate investigating an incident between Fire Fighter Hernandez and a Police Officer which culminated in the arrest of Fire Fighter Hernandez at the scene of a car accident where the candidate was serving as the incident commander.

On the technical component of the Administration scenario, the assessor indicated that the appellant missed a number of PCAs, including the opportunity to review the personnel and training records of members who were at the scene. Based

upon the foregoing, the appellant received a score of 3 for the technical component of this scenario. On appeal, the appellant argues that he should have received credit for the subject PCA because he stated during his presentation that he would review all of the files and he contends that “all files” include training files. Specifically, he maintains that his reference to “all files” should be viewed as him collecting all available information in an effort to make a well-informed decision.

In reply, the Commission observes that the appellant stated, in relevant part:

I want to see if there is any outside incidents that have occurred occurred [sic] between [the police officer] and Fire Fighter Hernandez in the past. I would do that by investigating by reviewing [sic] their files . . . see if they have any past reprimands at any incidents, talk to their past supervisors, check police reports, any personnel files . . .

The appellant’s reference to reviewing personnel files was muddled. Regardless, it fell short of the PCA because he only indicated that he was reviewing the files of the arresting officer and Fire Fighter Hernandez and the PCA clearly contemplated the review of the personnel and training records of all members on scene. Assessing the training and records of all personnel on scene would clearly be important and relevant in understanding what transpired and what changes may need to be implemented based upon the incident. Finally, to the extent that the appellant argues that his statements covered the subject PCA, the Commission notes 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.” As such, a broad reference to “any files” or “all files” is considered insufficiently general to cover the subject PCA. Accordingly, the record supports the appellant’s score of 3 for the technical component of the Administration scenario.

The Incident Command scenario involves a response to a fire at a local auto parts store and auto repair shop. Question 1 asks what specific actions the candidate would take upon arriving at the scene. The prompt for Question 2 indicates that while crews are involved in extinguishment operation, an explosion occurs on Side C, emergency radio traffic has been transmitted by a fire fighter and that structural damage is now visible on Side C. Question 2 asks what specific actions the candidate should now take based upon this new information.

On the technical component of the Incident Command scenario, the assessor awarded the appellant a score of 2 based upon the number of mandatory responses and additional opportunities he missed, including the mandatory responses of establishing command and ordering an emergency evacuation after the explosion. On appeal, the appellant points to specific portions of the recording of his presentation that he asserts demonstrate that he identified these mandatory responses.

Specifically, with regard to establishing command, he argues that pursuant to the Incident Command System, the individual who is in charge of the first arriving unit automatically establishes command of the incident until a superior takes over the role. In support, he cites the *Model Fire Department Standard Operating Guide*, the *Fire Chief Handbook*, *Firefighter Chief Skills*, and *The Incident Management System Model Fire Department Standard Operation Guide*, and definitions of the terms “established,” “assumption” and “automatically” from the *Oxford English Dictionary*. The appellant avers that although he did not specifically state that he was establishing command, his actions during his response to this scenario demonstrate that he did so. As to the mandatory response of ordering an emergency evacuation, the appellant maintains that in the immediate aftermath of the explosion he was compelled to choose between calling for an emergency evacuation or calling a Mayday. He presents that he chose to call a Mayday first to get help en route and then enacted the emergency evacuation signal protocol via horns, sirens and radios because he believed it was imperative to summon emergency assistance and that a trained fire fighter would know to move away from danger. He submits that while he may have missed the opportunity to enunciate an emergency evacuation verbally, he covered the PCA through the process he explained during his presentation. In support, he cites provisions of the *Model Fire Department Standard Operation Guide*, the *Fire Officer’s Handbook of Tactics* and *Fire Fighter Skills* regarding mayday calls.

In reply, 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 does not dispute that he did not specifically state that he was establishing command, but he maintains that his other actions during the scenario demonstrate that he did establish command. The Commission observes that it is imperative to announce when command is being established. For example, the *Model Fire Department Standard Operating Guide* states as follows.

The first arriving emergency resource (command car, engine, ambulance, etc.) shall initiate the IMS by formally establishing command and shall continue in command until properly relieved as outlined within this procedure. The first arriving unit may elect to pass command but only as outlined within this procedure.

State of New Jersey, Department of Community Affairs, *Model Fire Department Standard Operating Guide* 3 (2011), https://www.nj.gov/dca/divisions/dfs/pdf/reference_booklet9.pdf.

It further provides the following as an example of an effective report: “Dispatch from Engine 2 Go ahead Engine 2 Engine 2 is on location. We have a one story, single family dwelling (SFD) with nothing showing. We will be out investigating. *Engine 2 is Main Street Command.*” *Ibid* (emphasis added). Thus, it was reasonable for the

Division of Test Development, Analytics and Administrative and Employee Services to provide for establishing command as a distinct, mandatory response and to deny him credit for it because he did not specifically state that he was doing so. As to the emergency evacuation, even assuming, *arguendo*, that calling for a Mayday was a correct action, the use of a Mayday announcement, in and of itself, would not be sufficient to convey that the appellant was ordering an evacuation. In this regard:

The Mayday announcement does not effectively cause firefighter [sic] to leave a building. There are too many reasons to use the Mayday signal today. The Mayday signal is used for firefighters trapped, when victims are found, and many other emergencies. Because the Mayday signal is frequently used and has other meanings, it should not be used as an emergency evacuation signal.

Vincent Dunn, *Collapse of Burning Buildings: A Guide to Fireground Safety* 268 (2nd. ed. 2010).

Thus, it was imperative that the appellant specifically acknowledge that he was ordering an evacuation.

Finally, with regard to seniority, examination seniority is based on the time from the regular appointment date (to the eligible title) to the closing date of the announcement, minus the time spent on layoffs, certain leaves of absence without pay, or suspensions. See *N.J.A.C. 4A:4-2.15* (Rating of examinations). The appellant received a promotion to Fire Captain on November 7, 2011, and the closing date was September 30, 2021¹. His seniority score is 92.572. This reflects a base score of 70, plus 10 points for record of service, plus 12.572 for his cumulative length of service in the title of Fire Captain. Time spent in a provisional position or as an “acting” Fire Captain is not added to seniority for any candidate. Accordingly, the record demonstrates that the appellant’s seniority score of 92.572 is correct. Further, a review of the appellant’s overall score calculation demonstrates that his final average of 83.870 is correct.

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.

¹ The appellant was demoted in lieu of layoff to the title of Fire Fighter effective January 8, 2011, reappointed to the title of Fire Captain, effective November 7, 2011. The appellant’s seniority score does not include his service in the title of Fire Fighter between these dates.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 28TH DAY OF FEBRUARY, 2024

Allison Chris Myers

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: Frank Thompson
Division of Administrative and Employee Services
Division of Test Development, Analytics and Administration
Records Center