



STATE OF NEW JERSEY

In the Matter of Timothy Coughlin,
Deputy Fire Chief (PM5153C),
Bayonne

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

CSC Docket No. 2023-2014

Examination Appeal

ISSUED: November 1, 2023 **(ABR)**

Timothy Coughlin appeals his score on the promotional examination for Deputy Fire Chief (PM5153C), Bayonne. It is noted that the appellant passed the examination with a final average of 83.410 and ranks fourth on the eligible list.

The subject promotional examination was held on May 7, 2022 and four 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, 14.170%; 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."

For the Incident Command: Non-Fire Incident scenario, the appellant scored a 3 on the technical component and a 5 on the oral communication component. For the Supervision scenario, the appellant scored a 4 on the technical component and a 4 on the oral component. On the Administration scenario, the appellant scored a 2 on the technical component and a 4 on the oral component. Finally, with the Incident Command: Fire Incident scenario, the appellant scored a 3 on the technical component and a 4 on the oral component.

The appellant challenges his scores for the technical components of the Incident Command: Non-Fire, Administration and Incident Command: Fire Incident exercises. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Incident Command: Non-Fire Incident scenario involves a trench rescue with a trapped victim. Question 1 indicates that the fire crews on scene are not certified or equipped to perform trench rescues and asks what specific, initial actions the candidate would take upon arrival. Question 2 states that after operating for 20 minutes, the resident of the property where the trench was located reports a gas odor in her basement and asks what actions the candidate would take in response.

For the technical component of the Incident Command: Non-Fire Incident, the assessor stated that the appellant failed to attempt to secure the gas at the street or house, a mandatory response, and also missed several additional actions. On appeal, the appellant argues that he should have been credited with securing the gas at the residence, based on two statements he made during his presentation. Specifically, he states that he called for additional resources during his presentation, including gas, electric and water to control utilities, as necessary. The appellant further asserts that he later called for the utility company to shut down any points of ignition and for a hazmat resource to check the air.

In reply, regarding the technical component of the Incident Command: Non-Fire Incident, the statements cited by the appellant do not demonstrate that he should have been credited with the mandatory PCA of securing the gas at the street or house. His initial statement mentions the utility companies but does not specify that the gas would be shut off. It is also noted that he uses qualifying language (“if necessary”), rather than definitively asserting their necessity. The appellant’s second reference to utilities was: “Make sure the utility company, the gas company, responds to that address to shut down any points of ignition.” However, this statement falls short for two key reasons. First, the PCA calls for the fire department to shut down the gas, rather than waiting for the gas company. Second, the reference to “ignition” cannot be said to convey an intent to shut down the gas. Merriam-Webster defines ignition as: “the device that is used to ignite the fuel mixture in a gasoline engine”; “the process or means (such as an electric spark) of igniting a fuel mixture”; “the act or action of igniting: such as the starting of a fire or the heating of a plasma to a temperature high enough to sustain nuclear fusion.” See *Ignition Definition*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/ignition> (last visited May 23, 2023). In this scenario, since the gas would be the fuel mixture, not the device, process or means of ignition, the appellant’s reference to “points of ignition” cannot be said to accurately convey that he would direct that the gas be shut off at the residence. Accordingly, because this appellant missed this mandatory response and several additional responses, he was properly awarded a score of 3 on the technical component of the Incident Command: Non-Fire Incident.

The Administration scenario presents that the Fire Chief has tasked the candidate, who is a Deputy Fire Chief, with developing a committee to implement a mayoral plan to have the fire department provide resources to citizens during city-wide emergencies. The prompt notes that the mayor has developed this plan after receiving letters from civilians and civic groups that praised members of one fire station for providing such services after a significant weather event a year earlier. Question 1 for the scenario asks what specific actions should be taken to gather information that will be needed by the committee. Question 2 directs candidates to identify the specific goals and objectives that the committee should address in implementing this plan.

For the technical component of the Administration scenario, the assessor found that the appellant missed a number of PCAs, including the opportunity to interview the civilians who wrote the aforementioned letters, the opportunity to interview personnel from the fire station mentioned in the letters, and the opportunity to meet with other city department heads to learn how they responded. On appeal, the appellant argues that he should have been credited with these PCAs because he stated that he “would get input from all involved of what worked and what didn’t work.” The appellant avers that this statement was meant to cover all people involved in the response.

In reply, as noted above, the instructions the appellant was given immediately prior to his presentation included, in relevant part: “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.” The appellant’s statements were general actions and the appellant did not explicitly indicate that he would meet with these specific groups. Since the appellant failed to identify these actions and several other PCAs, he was properly awarded a score of 2 on the technical component of the Administration scenario.

The Incident Command: Fire Incident scenario involves a fire at a factory that screen prints plastic sheeting. Adjacent to one corner of the factory is a rehabilitation and long-term care facility for senior citizens. Question 1 asks what actions should be taken upon arrival. Question 2 states that the manager of the rehabilitation and long-term care facility requests the fire department’s assistance with the patients at his facility, including 20 who are unable to walk.

For the technical component of the Incident Command: Fire Incident scenario the assessor indicated that the appellant missed one mandatory PCA—to turn off the Heating, Ventilation and Air Conditioning (HVAC) system at the rehabilitation and long-term care facility—and several additional PCAs. On appeal, the appellant contends that he addressed this PCA by stating that the truck company would control utilities, directing that hazmat would be sent to the facility, and ensuring that air monitoring would occur. He adds that by stating during his presentation that he would “review, evaluate and revise [his] incident action plan,” he established that a hazard and risk analysis would occur and that if the air was unhealthy, the HVAC system would be shut off.

In reply, the appellant’s presentation has been reviewed, and the review does not find that the assessor erred in denying the appellant credit for this mandatory PCA. Again, as noted above, the instructions the appellant was given immediately prior to his presentation included, in relevant part: “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.” The appellant’s statement that he would “review, evaluate and revise [his] incident action plan,” was a general statement that did not clearly

communicate that he would shut off or consider shutting off the long-term care facility's HVAC system. To the extent the appellant is questioning the necessity of shutting down the long-term care facility's HVAC system, the Division of Test Development, Analytics and Administration (TDAA) states that doing so would be important because it would prevent outside hazards from entering the building and circulating through the HVAC system. TDAA further emphasizes that closing the dampers would be particularly critical because of the age and vulnerability of the facility's residents. TDAA also states that waiting for air monitoring results before turning off the HVAC system creates a risk that hazardous air will circulate throughout the facility in the interim. The Civil Service Commission agrees with TDAA's justification for this PCA. Therefore, the appellant's score of 3 for the technical component of the Incident Command: Fire Incident is correct.

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 1ST DAY OF NOVEMBER, 2023

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: Timothy Coughlin
Division of Administration
Division of Test Development, Analytics and Administration
Records Center