



**STATE OF NEW JERSEY**

In the Matter of Michael Quigley,  
Fire Captain (PM2314C), Asbury  
Park

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

CSC Docket No. 2023-2350

Examination Appeal

**ISSUED: September 25, 2024 (ABR)**

Michael Quigley appeals his score on the oral portion of the promotional examination for Fire Captain (PM2314C), Asbury Park. It is noted that the appellant passed the subject examination with a score of 82.810 and ranks eighth 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 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 35.90% of the score was the written multiple-choice portion, 22.04% was the technical score for the evolving exercise, 7.45% was the supervision score for the evolving exercise, 5.71% was the oral communication score for the evolving exercise, 23.20% was the technical score for the arriving exercise, 5.71% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (Evolving Scenario); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's

structure and condition (Arriving Scenario). Knowledge of supervision was measured by a question in the Evolving Scenario, and was scored for that scenario. For the Evolving Scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. 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. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process. 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."

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.

On the Evolving Scenario, the appellant scored a 2 on the technical component, a 4 on the supervision component, and a 3 on the oral communication component. On the Arriving Scenario, the appellant scored a 5 on the technical component and a 5 on the oral communication component.

The appellant challenges his score for the technical component of the Evolving Scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Evolving Scenario involves the response to a fire reported at a high school building where the candidate is the first-level supervisor of the first responding ladder company, Ladder 1. Battalion 6 and two engine companies are arriving with the candidate and Battalion 6 has established command. As the candidate arrives on scene, the students and the faculty are in the process of evacuating to the side of the road opposite the high school. The principal tells the incident commander (IC) that the fire started in a computer lab on the first floor. The IC orders the candidate to perform a primary search with ventilation and he requests two additional alarms. Question 1 asks the candidate, as the supervisor of Ladder 1, to describe, in detail, what orders they should give their crew to carry out their assignment from the IC. The prompt for Question 2 provides that during the candidate's search, their crew

finds two adult victims on the first floor outside of the involved room, who are unconscious and breathing shallowly. It also advises that one minute before this discovery, the IC had radioed that Ladder 2 had arrived. Question 2 then asks the candidate to give their initial actions and to detail the specific procedures required to safely remove victims.

The SME awarded the appellant a technical component score of 2, based upon a finding that the appellant failed to address the mandatory response of radioing a report to the IC about victims (progress report) in response to Question 2 and missed a number of additional PCAs, including, in part, opportunities to close/mark doors of rooms searched and to hand in the crew's accountability tags to the command post before going inside. On appeal, the appellant argues that he should have been credited with the mandatory response at issue based upon statements asking the IC for advanced life support for unconscious victims, and his communication of several personnel accountability reports (PARs) and progress reports to the IC. The appellant also questions the validity of the additional PCA of handing in the crew's accountability tags to the command post before going inside because he contends that "[t]he 'tag' system is an antiquated system that career departments have not used in years." He further submits that he covered the necessary tracking of personnel by conducting PARs and progress reports, and relaying them to the IC.

## CONCLUSION

In the instant matter, a review of the appellant's Evolving Scenario presentation fails to demonstrate that he should have been credited with the mandatory response of radioing a report to the incident commander about victims (progress report) in response to Question 2. In this regard, the statements cited by the appellant were sufficient to cover the distinct PCAs of "maintain[ing] radio communication at regular intervals (progress reports and crew communication)" in response to Question 1 and "request[ing] EMS (Advanced Life Support/Basic Life Support) to victim egress" in response to Question 2, but were too general to cover the mandatory response at issue. As such, he was properly denied credit for that PCA. The appellant's challenge regarding the validity of a PCA regarding personnel accountability tags is similarly without merit. The orientation guide for the subject examination advised candidates that "exercises are set in a generic, hypothetical fire department" and they are told "[d]o not make assumptions about the hypothetical fire department, scenarios, or town." Critically, these procedures are detailed in at least one of the items on the suggested reading list for the subject examination and the Rules for Fire Service Incident Management System set forth in *N.J.A.C. 5:75-1.1, et seq.*. See *New Jersey Personnel Accountability System – Booklet 10*, N.J. Div. of Fire Safety.<sup>1</sup> In particular, *N.J.A.C. 5:75-2.4* sets forth the requirements for the personnel accountability system to be utilized as part of the incident management system employed by the fire service and *N.J.A.C. 5:75-2.4(b)* specifically requires every

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<sup>1</sup> [https://www.nj.gov/dca/divisions/dfs/publications/publication/reference\\_booklet10.pdf](https://www.nj.gov/dca/divisions/dfs/publications/publication/reference_booklet10.pdf)

member of a fire department be issued a minimum of two personnel accountability tags. Further, firefighters are required to surrender their primary personnel accountability tags to a designated central collection point upon arrival at an incident scene, retrieve their personnel accountability tag upon leaving the incident scene. *See N.J.A.C. 5:75-2.4(d)*. Moreover, although *N.J.A.C. 5:75-2.4(i)* permits the use of “more sophisticated accountability systems utilizing bar coding, geographic positioning systems or similar methods,” it conditions such use on the intent of this section being met. Thus, knowledge of the use of personnel accountability tags was fair and reasonable, and the PCA at issue was valid. Moreover, the appellant does not suggest and a review of his presentation does not indicate that the appellant discussed the use of an alternative accountability system. As such, he has failed to sustain his burden of proof with respect to his challenge of this PCA.

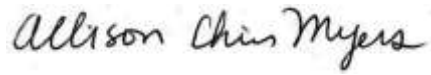
Finally, upon review of the appellant’s Evolving Scenario presentation on appeal, the Division of Test Development, Analytics and Administration (TDAA) has determined that the appellant was erroneously credited with the mandatory responses of ensuring the crew ventilated horizontally and instructing the crew to raise ground ladders for secondary means of egress. Specifically, although the appellant mentioned coordinating ventilation with the engine company and ventilation generally, because he failed to specify that he would perform horizontal ventilation, his statement was too general to award him credit for ensuring the crew ventilated horizontally. As to the PCA of instructing the crew to raise ground ladders for secondary means of egress, because it was a mandatory response to Question 1, candidates were required to identify it during the portion of their presentation addressing Question 1. On the subject scenario, the appellant failed to address the actions relevant to this PCA until his discussion of Question 2. Based upon the foregoing, the award of these credits must be reversed and the appellant’s Evolving Scenario technical component score must be lowered from 2 to 1.

### **ORDER**

Therefore, it is ordered that this appeal be denied. It is further ordered that the appellant’s Evolving Scenario technical component score be lowered from 2 to 1 with retroactive effect.

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 25<sup>TH</sup> DAY OF SEPTEMBER, 2024



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