

examination. He provides copies of fire-related certifications, a letter to his Fire Chief explaining his experience, proof of employment with Old Bridge Township, a paycheck certification and paycheck information regarding his Fire Instructor position, a pensions benefits statement, an identification badge, and a form completed by the appointing authority in confirmation of his hire and intergovernmental transfer.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C. 4A:4-2.6(b)* states that, in local service, applicants for promotion from entry level law enforcement or firefighter titles shall have three years of continuous permanent service in a title to which the examination is open, except as otherwise provided by law.

CONCLUSION

The appellant was denied admittance to the subject examination since there was no official record of his employment. On appeal, Mr. Cannon stated that he began his employment the City of Orange on August 30, 2011, and has prior firefighting experience, as well as experience as a Fire Instructor. His record has since been changed to reflect his hire as a Fire Fighter in Orange on October 31, 2011.

Nevertheless, an applicant for a promotional examination must satisfy all eligibility requirements, including the criteria of possession of an aggregate of three years of continuous permanent service immediately preceding the closing date in a title or titles to which the examination is open. These examinations were not announced with requirements for education and experience, but were *only* open to candidates who possessed three years of continuous permanent service who were serving in the listed title of Fire Fighter. Given the correction to his employment record, the appellant still lacks 30 days of time-in-grade as a Fire Fighter as of the September 30, 2014 closing date. The examination was not open to Fire Instructor, and any accrued experience in this title cannot be considered to be qualifying. In addition, experience gained prior to a new hiring, even when individuals are hired from a Rice Bill list, is not considered simply in order to make a candidate eligible. See *Makowitz v. Civil Service Department*, 177 N.J. Super 61 (App. Div. 1980) cert. den. 87 N.J. 326. In addition, *N.J.A.C. 4A:4-3.10(e)2* states that, for persons appointed from the Rice Bill list, seniority accrues as of the effective date of the new appointment. More extraordinary circumstances may warrant relaxation of the time-in-grade requirement, such as when a Department would be devoid of any supervisory-level officers. In the present matter, 17 candidates have been admitted to the examination, which makes this a competitive situation, and it is unlikely that the eligible list will be exhausted by the expiration date. As such, extraordinary conditions do not exist which would warrant relaxing the provisions of *N.J.A.C.*

4A:4-2.6(b). The appellant lacks the required amount of time-in-grade as a Fire Fighter with Orange and is ineligible for the subject examination.

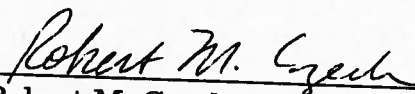
A thorough review of all material presented indicates that the decision of DSS, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is amply supported by the record and the appellant provides no basis to disturb this decision. Thus, the appellant has failed to support 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 19th DAY OF NOVEMBER, 2014



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