

Mr. Friedman indicated on his application that he was an Electrician for Glen Miller Electrical Contractor from January 2003 to December 2012 and that he has a Fire Instructor Certificate. Personnel records indicate that he was serving provisionally in the subject title from June 2014 to the August 25, 2014 closing date. Selection Services credited Mr. Friedman for his Fire Instructor Certificate, but determined that he did not have any applicable experience. As such, it determined that Mr. Friedman lacked three years of experience.

Mr. MacLachlan indicated on his application that he was a Fire Fighter for North Hudson Regional Fire and Rescue from February 2013 to the August 25, 2014 closing date and a 20 hour per week Captain from February 2002 to August 2002 for Erskine Lakes Volunteer Fire Company. He also indicated that he possessed a Fire Instructor Certificate. Selection Services credited Mr. MacLachlan for his Fire Instructor Certificate and having one year and 11 months of experience based on his Fire Fighter and part-time Captain experience, but determined that he lacked one year and one month of experience.

Mr. Pollock indicated on his application that he was provisionally serving in the subject title 20 hours per week from June 2014 to the August 25, 2014 closing date, a Fire Investigator for Millburn Fire Department for eight hours per week from November 2002 to the August 25, 2014 closing date, a U.A.S.I. Team Member for Millburn Fire Department for 10 hours per week from June 2005 to the August 25, 2014 closing date, a Foam Firefighting – Guest Instructor for National Foam in April 2014, a Foam Firefighting – Guest Instructor for National Foam in February and April 2014, and a Peer Reviewer Assistance to F/F Grant Program for the Department of Homeland Security in May 2003. He also indicated that he possessed a Fire Instructor Certificate. Personnel records indicate that Mr. Pollock was provisionally serving in the subject title from June 2014 to the August 25, 2014 closing date and a Fire Fighter for Millburn from September 1990 to the August 25, 2014 closing date. Selection Services credited Mr. Pollock for four months of experience based on his part-time provisional experience in the subject title and his Foam Firefighting – Guest Instructor experience, but determined his other experience was not applicable. As such, it determined that he lacked two years and eight months of experience. Selection Services commented that his Fire Investigation experience was not instruction experience and that he did not provide a copy of his Fire Instructor Certificate.

On appeal, Mr. Aprahamian states that he provided his State Fire Instructor and Drill Ground Instructor certificates with his application, that the State certified him as a Fire Instructor in 1997 and a Drill Instructor in 2011, and that he was re-certified by the State as a Fire Instructor and Drill Instructor in 2014. Additionally, Mr. Aprahamian submits a letter from the Deputy Chief of the Liberty Corner Fire Company indicating that Mr. Aprahamian was a member since 1997,

served as the Training Officer from 2006 to the present, and was Head of Fire Company Training for periods 2010-2011 and 2014-2015.

Mr. Friedman presents that he has served over 19 years as a volunteer Fire Fighter for the Liberty Corner Fire Company. Mr. Friedman indicates that he has also trained members of the Fire Company on firefighting skills. Mr. Friedman submits a letter from the Assistant Chief of the Liberty Corner Fire Company which states that he has been a member since 1996, his duties included training other members, and he served as the Assistant Chief from 2010 to 2011. Mr. Friedman highlights that he has been serving provisionally in the subject title since June 2014 and submits documentation showing that he meets the residency, certification, and driver license requirements. Additionally, Mr. Friedman submits a letter from Chief Lou Pepe, Fire Training Coordinator for the appointing authority which states that he met all of the Commission's requirements when he was hired provisionally and he has exceeded their expectations in employment.

Mr. MacLachlan submits his Fire Instructor Certificate and a letter from the Chief, Erskine Lakes Fire Department which indicates that he has been a member since 2002. He claims that he had submitted these documents at the time he filled out his application and that these documents prove that his experience exceeds the minimum requirements.² Mr. MacLachlan also states that these are the same documents that he submitted when he was determined to be eligible for the same position in Hunterdon County.³

Mr. Pollock provides that he has served over 24 years as a career/paid Fire Fighter for the Millburn Fire Department. Mr. Pollock indicates that he has also trained members of the Fire Company on firefighting skills. Mr. Pollock submits a letter from the Chief of Department for the Millburn Fire Department which states that he has been a member since 1990, was recently promoted to Fire Captain, is a certified EMT and certified fire/arson investigator, and is a member of the U.A.S.I. metro strike team which is a specialized group that responds to structural collapses, confined space rescues throughout the five northern counties of New Jersey. Mr. Pollock highlights that he has been serving provisionally in the subject title since June 2014 and submits documentation showing that he meets the residency, certification, and driver license requirements. Additionally, Mr. Pollock submits a letter from Chief Lou Pepe, Fire Training Coordinator for the appointing authority which states that he met all of the Commission's requirements when he was hired provisionally and he has exceeded their expectations in employment.

² A review of the Commission's Online Application System (OAS) does not indicate that Mr. MacLachlan had submitted the letter from the Erskine Lakes Fire Department with his application.

³ Personnel records indicate that Mr. MacLachlan was appointed as a Fire Instructor for Hunterdon County on November 10, 2014.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

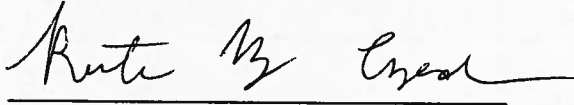
In the instant matter, the requirement for the subject examination is three years of experience as a paid or volunteer fire fighter or fire instructor. With respect to all the applicants, none of them listed three years or more experience as a Fire Fighter or Fire Instructor on their applications and therefore Selection Services correctly determined that all applicants were below the minimum requirements in experience. With specific reference to Mr. Pollock, Selection Service correctly determined that his part-time Fire Investigation and U.A.S.I. Team Member experience was not applicable as these experiences were not in either fighting fires or fire instruction. Additionally, although Mr. Pollock submitted a copy of his Fire Instructor Certificate on appeal, he did not upload a copy with his application and the subject announcement instructed that failure to do so will result in ineligibility. Also, in regard to all the appellants, they each submit letters on appeal from the various Fire Departments where they either worked or volunteered which indicated that they had greater than three years of required experience as a Fire Fighter. However, since this information was not included in their applications, it cannot be considered. A significant addition of supplemental information would not be considered clarifying information, which may be allowed, but rather, amended information, which is not permitted after the closing date of an examination under *N.J.A.C.* 4A:4-2.1(f). See *In the Matter of Annemarie Brahan and Dick Norris* (MSB, decided September 22, 2004). (Training experience not presented on original application was determined to be a significant addition to application and therefore amended, not clarifying, information). Further, there is no basis on which to relax this rule since the list is complete, containing the names of 21 eligibles. Therefore, there is no basis to disturb the decision of Selection Services. Accordingly, the appellants have not met their burdens of proof in this matter.

ORDER

Therefore, it is ordered that these appeals 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 APRIL, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
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Attachments

c: Peter Aprahamian
Joseph Friedman
Joseph MacLachlan
Bruce Pollock
Frank Corrente
Kelly Glenn
Joseph Gambino



Job Announcements

Symbol: C0659S Title: **FIRE INSTRUCTOR**

Issue Date: 08/04/2014

Jurisdiction: MORRIS COUNTY

Num. of Positions: 15

Application Fee: \$25.00

Closing Date: 08/25/2014

Salary: \$17.41 Per Hour

Workweek: 20 Hours per week

OPEN TO RESIDENTS OF:

1) Morris County; 2) Essex County, Hunterdon County, Passaic County, Somerset County, Sussex County, Union County, Warren County

REQUIREMENTS:

EXPERIENCE: Three (3) years of experience as a paid or volunteer fire fighter and/or instructor in the use of various fire fighting techniques and procedures in the control and extinguishing of fires in either a paid or volunteer capacity.

CERTIFICATE: Applicants must possess a valid Fire Service Instructor Certificate Level 1 issued by the New Jersey Department of Community Affairs. Please upload a copy of your certificate with your application. Failure to do so will result in ineligibility.

LICENSE: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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