

B-34



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Christopher Del Sordi and
Charles Sprague, Assistant
Institution Fire Chief (S0815S),
Statewide

Examination Appeals

CSC Docket Nos. 2015-2594
2015-2642

Corrected

ISSUED: **MAY 14 2015** (RE)

Christopher Del Sordi and Charles Sprague appeal the determinations of the Division of Agency Services which found that they did not meet the experience requirements for the open competitive examination for Assistant Institution Fire Chief (S0815S), Statewide. These appeals have been consolidated since they pertain to similar issues.

The subject examination announcement was issued with a closing date of October 30, 2014, and was open to residents of New Jersey who met the announced requirements. These requirements included one year of experience in firefighting or fire prevention work, or three years of active experience in a volunteer fire fighting unit, and a valid Incident Management (IM) Level 1 Certification issued by the New Jersey Division of Fire Safety, Department of Community Affairs. The appellants were credited with the required experience, and were found to be ineligible based on non-possession of the required certification. Seventy-seven candidates were deemed eligible, but the examination has not yet been held.

Regarding the certifications, Mr. Del Sordi submitted an on-line application and listed only possession of a Fire Inspector license. As attachments, he uploaded several resumes, a copy of his Fire Inspector Certification and a certificate of completion for Fire Inspector from the Morris County Public Safety Training Academy. He did not indicate on his application that he possessed the required IM Level 1 Certification, nor did he upload a copy of it with his application.

Mr. Sprague submitted an application and listed possession of the following licenses and certifications: Fire Instructor Level 2, Fire Official, Emergency Medical Technician, and Commercial Driver's License (CDL). As attachments, he uploaded a copy of his CDL, a copy of his Fire Officer 1 Certification, a copy of his Instructor Level 2 Certification, a copy of his Drill Ground Instructor Certification, a certificate awarded to him for a successful completion of the Incident Command System (I-100), and an official transcript from the Division of Fire Safety. This transcript listed a number of certifications and continuing education units. Among the certifications was IM Level 3. He did not indicate on his application that he possessed the required IM Level 1 Certification, nor did he upload a copy of it with his application, or mail it separately at the time he filed his application.

On appeal, Mr. Del Sordi submitted a copy of his IM Level 1 Certification, as well as his IM Levels 2 and 3 Certifications. He states that he submitted these certifications with his original application, and that his IM Level 1 Certification did not properly load. He requests that Civil Service Commission (Commission) staff look up this information.

Mr. Sprague argues that his IM Level 3 Certification exceeds the IM Level 1 requirement. Further, while he indicates that he did not send a copy of the certification with his application, his uploaded transcript showed that he possessed the IM Level 3 Certification. Additionally, he supplies a copy of that certification on appeal.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

CONCLUSION

Initially, the appellants were correctly denied admittance to the subject examination since they did not indicate on their applications that they possessed the required certifications and they did not attach copies of their IM Level 1 Certifications. The announcement specifically stated, "If you have the required certificate, you must indicate this on your application; proof of the certificate must be uploaded with your application. Failure to do so will result in ineligibility."

Nonetheless, both appellants have sent in proof of possession of an IM Level 1 Certification. In Mr. Del Sordi's case, he contends that he attempted to load his IM Level 1 Certification, but was unsuccessful. In this regard, the Commission is willing to accept this explanation, given that Mr. Del Sordi did upload several

documents with his application. Given that fact, it would seem unreasonable to believe that he would have purposely omitted the one document, which he did possess, that was required to be submitted.

In Mr. Sprague's case, while he did not submit the actual certification as required with his application, he did upload an official transcript which listed his possession of a current IM Level 3 Certification, which exceeds the IM Level 1 Certification. While Mr. Sprague should have followed the instructions and included that certification with his application, he has presented it on appeal. Thus, to exclude him from eligibility for the subject examination would appear unjust.

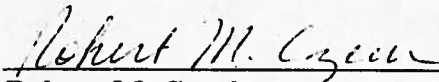
Accordingly, based on the circumstances presented above, the Commission finds good cause to relax the requirements of *N.J.A.C. 4A:4-2.1(f)* and accept the appellants' Certifications, for eligibility purposes only, and admit them to the subject examination. Finally, the Commission emphasizes to both appellants that they must completely and fully complete any future applications and provide any required information for other examinations prior to the closing date. Failure to do so will result in their ineligibility.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants be admitted to the examination.

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
THE 6th DAY OF MAY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Christopher Del Sordi
Charles Sprague
Sen. Christopher Connors
Kelly Glenn