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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Salvatore Gaetani,  
Fire Captain (PM5209N), Bayonne

CSC Docket No. 2015-2717

Administrative Appeal

ISSUED: JUN 19 2015 (RE)

Salvatore Gaetani, a Fire Captain with Bayonne, requests a retroactive appointment date based on "acting" duties in order to be eligible for a future promotional examination for Battalion Fire Chief.

By way of background, the petitioner was on the eligible list produced from the examination for Fire Captain (PM5209N), Bayonne. This list was promulgated on December 20, 2012, and expires December 19, 2015. The petitioner was appointed from a certification (PL141363) of this list on November 3, 2014. Prior to that appointment, the petitioner held the title Fire Fighter, to which he had been appointed on May 25, 1993. An Examination Information Alert (EIA) which notifies appointing authorities and candidates of the latest timeframes for examinations was issued in September 2014. This EIA indicates that the next announcement for Battalion Fire Chief examinations is scheduled for July 1, 2015, and candidates for promotional examinations for Battalion Fire Chief must have one year of time in grade as a Fire Captain.

On appeal, Mr. Gaetani argues that he was an "acting" Fire Captain from March 17, 2013 to his November 3, 2014 appointment from the list (PL141363). It is noted that the eligible list from which he was regularly appointed was in existence when Mr. Gaetani claims he was given an acting appointment, and he was reachable as he was first on the eligible list. In light of this issue, the appointing authority was contacted for input. The Director of Public Safety responded that there was a administration change as a result of an election, and he does not have any information as to why the list was not certified earlier. However, the Director

verifies that Mr. Gaetani was performing the duties of Fire Captain in an acting capacity from March 17, 2013 to November 3, 2014, and he has no objections to Mr. Gaetani's eligibility for the upcoming announcement.

*N.J.A.C. 4A:4-2.6(a)* (Eligibility for promotional examination) states in pertinent part that applicants for promotional examinations shall, by the closing date, meet the criteria of having one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

### CONCLUSION

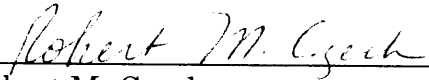
In the instant matter, the petitioner received an appointment to Fire Fire Captain on November 3, 2014. The petitioner indicated that he had been working in an "acting capacity" since March 17, 2013, and the Director of Public Safety concurred. The anticipated closing date for the next promotional examination for Battalion Fire Chief is August 31, 2015 and, as the record stands, the petitioner will be found to be lacking the one year time-in-grade. As Bayonne submits that the subject individual has been working as a Fire Captain since March 17, 2013 and has no objection to Mr. Gaetani's eligibility, the Civil Service Commission finds it appropriate to correct the record for Mr. Gaetani. Therefore, based on the foregoing, it is appropriate for the November 3, 2014 Fire Captain certification (PL141363) be amended to record the appointment of Salvatore Gaetani effective March 17, 2013.

### ORDER

Therefore, it is ordered that this request be granted and the PL141363 certification be amended to provide Salvatore Gaetani with a regular appointment as Fire Captain effective March 17, 2013. It is further ordered that his personnel record be amended in accordance with this decision.

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 17<sup>th</sup> DAY OF JUNE, 2015

  
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