



STATE OF NEW JERSEY

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

In the Matters of Tara Calderon
and Carlos Gomez, Supervising
Emergency Medical Technician
(PM4426C), Elizabeth

CSC Docket Nos. 2022-1585
and 2022-1632

Scoring Appeal

ISSUED: JUNE 20, 2022 (JET)

Tara Calderon and Carlos Gomez appeal their scores on the promotional examination for Emergency Medical Technician (PM4426C), Elizabeth. Since these matters concern similar issues, they have been consolidated herein.

By way of background, the subject examination was announced with a September 21, 2021 closing date and was processed as a “ranked unassembled” examination involving the evaluation of education, training, and experience as set forth on the candidates’ examination applications. The requirements were two years of experience as an emergency medical technician or in the practice of emergency care. Applicants were required to possess a current and valid Emergency Medical Technician (EMT) certification issued by the Department of Health. It was also noted that the appointing authority would require candidates to possess a valid EMT Basic Instructor certificate or Paramedic certification from the Office of Emergency Medical Services (OEMS), Department of Health. It was noted that applicants who possessed higher level certification as a Mobile Intensive Care Paramedic, or Mobile Intensive Care Registered Nurse Certification, issued by the Department of Health, were considered to have met the above noted certification requirements.

The scoring standard gave credit for up to 10 years of appropriate experience immediately preceding the closing date. The scoring criteria utilized by the

Division of Agency Services (Agency Services) included full credit for experience as a current EMT or in the practice of emergency care. The scoring standard consisted of 70% for the education and experience, and 30% for seniority and record of service. A total of 24 applicants applied for the subject examination that resulted in a list of 22 eligibles with an expiration date of December 29, 2024.

CALDERON's APPEAL

Calderon indicated on her application that she possessed an EMT license and a Basic Life Support (BLS) instructor certification. No credit was awarded for the licenses, as they were required of all candidates. Calderon also listed that she served as a “senior” EMT¹ from August 2005 to the September 21, 2021 closing date of the application.² Experience gained prior to October 2011 was not rated because it exceeded the 10 year cut-off for rating such experience. Further, Calderon’s experience as a Police Officer from January 2016 to March 2016 was not rated, since it did not satisfy the above listed requirements, and her service as an EMT from October 2011 to January 2016 and from March 2016 to September 2021 was considered. With respect to her seniority, records reflect that Calderon served as a Police Officer from January 2016 to March 2016. Since there was a break in her service as an EMT, seniority could only be awarded from the March 2016 date that she was re-appointed as an EMT. As such, Agency Services awarded full credit for her EMT experience as listed above and seniority based on her reemployment date as an EMT. Accordingly, the appellant’s final average score was 85.00, ranking her as 14th on the resultant eligible list.

On appeal, Calderon asserts that she possesses 16 years and four months of EMT experience. She states that she is serving as “acting” supervisor³ and she possesses more experience than the other candidates who ranked higher than she did on the list.⁴ In support, the appellant provides transcripts, certifications, and information pertaining to the other candidates in support of her appeal.⁵

¹ “Senior” EMT is not an official Civil Service title, and such status is not recognized by this agency.

² Official personnel records reflect that the appellant served as an EMT from August 2005 to January 13, 2016, as a Police Officer from January 14, 2016 to March 23, 2016, and as an EMT from March 23, 2016 to the September 2021 closing date.

³ “Acting” supervisor is not an official Civil Service title, and such status is not recognized by this agency.

⁴ It is noted that the appellant was ranked 14th on the eligible list. She questions why Frank Wagner, Kenroy Sealey, Hedda Rosales, Christopher Edmonson, Richard Hernandez, Tanaya Atlantic, Tomas Cruz, and Alyson Sutton were higher ranked on the eligible list.

⁵ The appellant submitted FEMA certifications in her original application, and continuing education certifications on appeal.

GOMEZ's APPEAL

Gomez listed on his application that he possessed an EMT license and a BLS Instructor certification.⁶ No credit was awarded for the licenses, as they were required of all the candidates. Gomez also listed that he served provisionally in the subject title from July 2020 to the September 21, 2021 closing date, as an “acting” supervisor/EMT from July 2010 to July 2020, and as an “in charge person”/EMT from August 1999 to January 2010. Experience gained prior to October 2011 was not rated because it exceeded the 10 year cut-off for rating such experience.⁷ As such, Agency Services credited Gomez for his provisional service in the subject title and as an EMT from October 2011 to September 2021. Additionally, Agency Services awarded Gomez with the maximum award for seniority based on the above experience. Accordingly, the appellant’s final average score was 88.5, ranking him 7th on the resultant eligible list.

On appeal, the appellant asserts that he has been serving as an EMT since 1999, and as such, he should possess more seniority than the higher ranked candidates, including Michael Barret, Katherine Rodriguez, Frank Wagner, Kenroy Sealey, Hedda Rosales, and Lauren Wigfall. Moreover, he states that he possesses 17 months of provisional experience in the subject title.

CONCLUSION

A review of the record demonstrates that the appellant’s score and rank is correct. With respect to an unassembled examination, it is long standing policy that only the 10 most recent years of experience are evaluated for scoring purposes. As such, this examination only evaluated appropriate experience between October 2011 and September 2021. *N.J.S.A. 11A:4-1* provides considerable discretion to the Civil Service Commission (Commission) in the development and scoring of examinations for positions in the career service. The adoption of the policy of evaluating a candidate’s most recent 10 years of experience in the course of the administration of unassembled or “Education and Experience” examinations is an example of this discretionary authority. In adopting this policy, it was determined that there are so many changes in the methods and/or equipment in performing tasks in every area of employment that only experience gained within the 10 year time period immediately prior to the closing date of the examination would be evaluated for credit. The Commission and its predecessor, the Merit System Board, have upheld the appropriateness of the 10-year rule. *See In the Matter of Peter Smith* (Civil

⁶ Gomez also listed that he possesses various other trainings and certifications, which were not credited as they are not applicable pursuant to the requirements.

⁷ Gomez also indicated that he worked as an EMT from April 2001 to April 2004, from 1998 to 2002, from April 1999 to May 2001, as from March 1998 to August 1999, from August 1997 to June 1999, and from June 1997 to March 1998. The record also reflects that Gomez was removed from his provisional service in the subject title, effective March 9, 2022.

Service Commission, decided April 23, 1984) (where it was determined that “there are sound reasons for limiting the evaluation to experience gained within the past 10 years since rapid changes in certain fields make recent experience a more valid indicator of current knowledge than experience gained many years ago).” The Commission further concluded that the utilization of the 10 year cut-off is neither arbitrary nor discriminatory. *See also, In the Matter of John Gerolstein* (Commissioner of Personnel, decided October 24, 1996). The unassembled examination process takes into account the quality and quantity of experience an applicant possesses, as well as, if determined appropriate, education as well as seniority. Thus, the duration of an applicant’s tenure alone does not determine his or her final ranking on an eligible list.

In the present matter, Calderon was awarded credit on the basis of her experience as an EMT from October 2011 to September 2021. Her experience as a Police Officer from January 2016 to March 2016 was properly not considered. In this regard, Calderon could not be credited for her service as a Police Officer as the primary focus of the duties for that position were not those required for the title under test. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Regarding Gomez’s experience, Agency Services awarded credit on the basis of his experience as an EMT and provisional service in the subject title from October 2011 to September 2021. With respect to Calderon’s and Gomez’s arguments that they served as a “senior” EMT and “acting” supervisor, as noted above, the Commission does not recognize such status as Civil Service titles, and as such, they were not entitled to any additional credit for that experience. Their licenses and other certifications were also properly not credited. Moreover, based on the Calderon’s break in service, her seniority score was calculated from the date she returned to duty as an EMT in March 2016, and Gomez received the maximum seniority score based on his service. Regarding the appellants’ arguments pertaining to the higher ranked candidates, their scores and ranks were once again reviewed and there was no error with respect to those scores. Therefore, the appellants have not met their burden of proof.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF JUNE 2022

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