



STATE OF NEW JERSEY

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

In the Matter of Victor Garofalo,
Fire Captain (PM4449C),
Atlantic City

Examination Appeal

CSC Docket No. 2023-1780

ISSUED: November 22, 2023 (TMG)

Victor Garofalo appeals his seniority score for the promotional examination for Fire Captain (PM4449C), Atlantic City. It is noted that the appellant passed the subject examination with a final average of 91.140 and ranks ninth on the resultant eligible list.

The appellant contends that his seniority score should include the time he served as a Police Officer. He cites *N.J.A.C. 4A:4-7.9* as the basis for including his service as a Police Officer, because his appointment to Fire Fighter was processed as a resignation/new hire. He also cites *N.J.A.C. 4A:8-2.4(b)* and contends that police and fire seniority is the total amount of continuous time in the employee's current permanent title and other titles that have or would have had lateral or demotional rights to the current permanent title.

The appellant's reliance on *N.J.A.C. 4A:4-7.9* is misplaced. Although the appellant does carry his seniority from his prior-held Police Officer title to his current position for certain purposes, seniority scores for promotional examinations are based on the title or titles to which the examination is opened. Had the examination for Fire Captain (PM4449C) been opened to the titles of Police Officer and Fire Fighter, his Police Officer experience would have been included in his seniority score.

The Civil Service Commission also notes that, for example, in a Fire Chief promotional examination open only to Deputy Fire Chief, only seniority gained in the title of Deputy Fire Chief would be used to determine the seniority score and would

not include a candidate's seniority earned in the titles of Fire Fighter, Fire Lieutenant, Fire Captain and/or Battalion Fire Chief. Finally, it is noted that *N.J.A.C 4A:8-2.4(b)* refers solely to seniority pertaining to layoffs and has no bearing on examination seniority scores. The appellant's seniority score was correctly determined and will not be changed.

CONCLUSION

A thorough review of the appellant's submissions indicates that the appellant's seniority score was correctly calculated.

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 22ND DAY OF NOVEMBER, 2023



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