

B-7



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Christopher Smith,
Senior Public Safety
Telecommunicator (PM1283U),
Jersey City

Examination Appeal

CSC Docket No. 2017-2109

ISSUED: **AUG 01 2017** (SLK)

Christopher Smith appeals the determination of the Division of Agency Services that he was not eligible for the promotional examination for Senior Public Safety Telecommunicator (PM1283U), Jersey City since he was not employed in the announced unit scope.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2016 closing date (see attached). A total of 24 employees applied and 14 were deemed eligible. Certification PL170069 was issued containing the names of seven eligibles who were all appointed.

As of the June 21, 2016 closing date, Mr. Smith's personnel record indicated that he was laterally transferred to the title of Police Officer on July 15, 2013 from his prior permanent title of Public Safety Telecommunicator. On July 11, 2017, the Division of Agency Services (Agency Services) changed Mr. Smith's personnel record to indicate that his status was provisional pending open competitive examination procedures as a Public Safety Telecommunicator effective August 22, 2013 when it learned that Mr. Smith had not actually been separated from employment from Jersey City after he resigned as a Police Officer on August 21, 2013, but instead was rehired as a Public Safety Telecommunicator.

On appeal, Mr. Smith presents that he is a lifelong resident of Jersey City and has been permanently employed as a Public Safety Telecommunicator since May 2007. Mr. Smith submits an Employee Status Information sheet from the

appointing authority, dated December 15, 2016, that verifies that he started employment in May 2007 and his position is Public Safety Telecommunicator. He also submits certifications that indicates that the National Emergency Communications Institute certified him as an Emergency Communication Officer and that he completed the Jersey City Police Department's Communications Dispatch Course. Nancy Ramos, Human Resources Director, states that Jersey City rehired Mr. Smith as a Public Safety Telecommunicator on August 22, 2013 and that it was its intention to rehire him from a regular reemployment list as there was never any separation from his employment with Jersey City. However, she explains that due his personnel record having incorrect transactions and its failure to submit the application for regular reemployment that this was not done.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4.7.10 provides, in pertinent part, that regular reemployment lists for titles other than police and fire shall have durations of three years from the date of resignation. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that Mr. Smith was not eligible for the subject examination as his personnel record indicated that he was a Police Officer as of the closing date. However, Ms. Ramos explains that Mr. Smith has continuous service with Jersey City, that he was immediately rehired as a Public Safety Telecommunicator once he resigned as a Police Officer, and that it was only its error that it did not rehire him as a Public Safety Telecommunicator off a regular reemployment list. Accordingly, the Commission finds that since the appellant has not had any break in service with the appointing authority, has been serving in the required title since August 2013, and it was only because of the appointing authority's administrative error that he was not rehired off a regular reemployment list that good cause has been established to relax *N.J.A.C.* 4A:4.7.10 and to admit him to the subject examination. Further, Mr. Smith's personnel record shall be amended to reflect his permanent appointment as a Public Safety Telecommunicator from a regular reemployment list, effective August 22, 2013.

This determination is limited to the instant matter and does not provide precedent in any other matter.

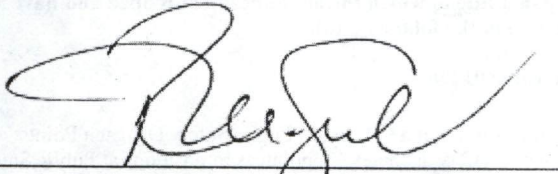
ORDER

Therefore, it is ordered that the appeal be granted, and Christopher Smith's application be processed for prospective employment opportunities only.

It is further ordered that Christopher Smith's employment record be corrected as noted in 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 26th DAY OF JULY, 2017



Robert M. Czech, Chairperson
Civil Service Commission

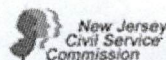
Inquiries
and
Correspondence

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

Attachment

c: Christopher Smith
Robert Kakolesski
Nancy Ramos
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: **PM1283U**

WEIGHT CODE: *

TITLE: **SENIOR PUBLIC SAFETY TELECOMMUNICATOR**

SALARY: **\$11,850.00 - \$45,477.00**

ISSUE DATE: **June 01, 2016**

CLOSING DATE: **June 21, 2016**

TITLE CODE: **03262@/ FFRJR2**

JURISDICTION CODE: **N09060085**

JURISDICTION: **JERSEY CITY**

DEPARTMENT: **PUBLIC SAFETY**

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Public Safety Telecommunicator 01296@

Special Note: Public Safety Answering Points (PSAP) means the first point of reception of a 9-1-1 call. Public Safety Dispatch Points (PSDP) means a location which provides dispatch services for one or more public safety agencies. Appointees to positions at Public Safety Answering Points and at some Public Safety Dispatch Points must have achieved training and certification by the Office of Emergency Telecommunications Services (OETS) in the Department of Law and Public Safety as required by N.J.A.C. 17:24-2.2. Proof of the certification must be submitted to the appointing authority prior to appointment. Failure to do so will result in rejection from the examination process.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. **If you are having difficulty submitting your application online, technical support and customer care 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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09