



**STATE OF NEW JERSEY**

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

In the Matter of John Santaspirt,  
Training Officer (M0645W),  
Moorestown

Examination Appeal

CSC Docket No. 2019-2642

**ISSUED: AUGUST 5, 2019 (SLK)**

John Santaspirt appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Training Officer (M0645W), Moorestown.

The subject examination was announced with a closing date of May 21, 2018. The education requirement was a Bachelor’s degree. The experience requirements were five years of supervisory experience in work involving the determination of training needs, development of training plans and materials, and the conduct of orientation, in-service, refresher, and other types of training materials. A total of five individuals applied for the subject examination and the examination was cancelled on April 3, 2019 due to a lack of qualified candidates.

On his application, the appellant indicated that he has a Master’s degree in Education, a Bachelor’s degree, and completed numerous fire instructor courses and other fire fighter and emergency management training courses. Additionally, he indicated that he was provisionally serving in the subject title from March 2018 to the May 21, 2018 closing date, a Fire Lieutenant for four hours per week from March 2000 to the closing date<sup>1</sup>, a State Trooper Recruit from January 2017 to February 2017, a Transportation Management Coordinator for NFI Industries from June 2015 to November 2016, and a Teacher for Orchard Friends School from September 2007 to June 2015. Agency Services credited the appellant with having

<sup>1</sup> The appellant’s appeal indicates that he performed the required duties for up to four hours per week in this role for seven years and not over 18 years as the dates he provides suggests.

met the education requirement and having the equivalent of two years and four months of experience based on his provisional service in the subject title (three months) and pro-rating his experience as a Fire Lieutenant based on a 35-hour per workweek (18 years and three months x four hours per week/35 = two years and one month), but determined that he lacked two years and eight months of full-time experience.

On appeal, the appellant presents that for over seven years while serving in the supervisory positions of Crew Leader, Lieutenant, Captain, and Battalion Chief for the Moorestown Fire Department, he performed the required duties each week for up to four hours per week, and he continues to do so. The appellant also highlights his experience as a high school Special Education Teacher for eight years, his Master's degree in Education, and his Instructional 1 certificate.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *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.

Initially, Agency Services correctly determined that the appellant did not meet the experience requirements as he did not have the equivalent of five years of full-time required experience after pro-rating his part-time service as a Fire Lieutenant. However, it cannot be ignored that he has been providing the required duties on a part-time basis for at least seven years. Additionally, the appellant has completed many fire instructor training courses and other fire fighter and emergency management courses, has a Master's degree in Education, and was a Teacher for nearly eight years. Moreover, the examination has been cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the subject title. Therefore, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept appellant's experience and training, for eligibility purposes only, in order to admit him to the subject examination.

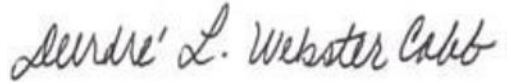
This determination is limited to the instant matter and does not provide precedent in any other matter.

### ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, and John Santaspirt's application be processed for prospective employment opportunities only.

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 31<sup>st</sup> DAY OF JULY, 2019



Deirdré L. Webster Cobb  
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

c: John Santaspirit  
Thomas Merchel  
Kelly Glenn  
Records Center