

STATE OF NEW JERSEY

In the Matter of Tyshawn Bolden, Fire Fighter (M1540T), Irvington Township

CSC Docket No. 2020-2136

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Request for List Revival

ISSUED: March 12, 2020 (RE)

The Division of Agency Services (Agency Services) requests that the eligible list for Fire Fighter (M1540T), Irvington Township be revived and extended in order for Tyshawn Bolden to be considered for appointment for a position as Fire Fighter.

:

By way of background, the open-competitive list for Fire Fighter (M1540T) was derived from the eligible pool for Fire Fighter (M9999T), which promulgated on March 11, 2016 and had a March 28, 2019 expiration date. A certification for Irvington (OL180280), consisting of 151 candidates, was issued on March 23, 2018 and a disposition due date of September 24, 2018. Bolden was 65th on the list, and was removed for failure to appear for the Physical Performance Test (PPT) portion of the examination which is administered after the certification is issued. A new examination for Fire Fighter (M9999W) was administered, and a new list (M1840W) for Irvington promulgated on March 29, 2019, with an expiration date of March 28, 2021. This list was certified (OL190904) on August 1, 2019 with a disposition due date of February 3, 2020, and the certification has not yet been returned.

After filing his application, Bolden sent an email to update his email address on July 1, 2016, and it was discovered that he had two user profiles, one using his Social Security Number and the other using an assigned applicant identification number. His user profiles were consolidated, keeping the account with his Social Security Number and the new email address. However, his email address was not updated in the 2016 PPT database, so the notice went to the original email address and Bolden did not appear for the PPT in May 2018. Therefore, he was removed

from the eligible list. Thereafter, Bolden filed an appeal that he did not receive a notice to appear, and the Division of Test Development and Analytics agreed to provide him with another opportunity to take the PPT in September 2019. Again, his email had not been updated, and he was considered to be a no-show for the PPT. This was discovered, his email address was updated in the database, and Bolden was rescheduled for January 2020. He took the PPT and passed, however, the list for (M1540T) had expired on March 28, 2019.

Agency Services requests that (M1540T) be revived on a one-time only basis with Bolden's name so that he may be considered for appointment.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.3(b)1 provide that an eligible list may, for good cause, be extended prior to its expiration date, except no lists shall have the duration of more than four years. In addition, *N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of the list, to correct an administrative error, or for other good cause.

In the instant matter, Agency Services seeks revival of the Fire Fighter (M1540T), Irvington Township eligible list so that Irvington may consider Tyshawn Bolden for appointment due to administrative error in scheduling him for the PPT. As a database had not been updated, the notification to appear for the PPT was sent to the wrong email address, resulting in his original no-show status, and he was tested and passed the PPT after the expiration of the list. Accordingly, good cause has been presented to revive the eligible list for Fire Fighter (M1540T), Irvington Township to add Tyshawn Bolden's name to the certification (OL190904). The list shall be considered expired upon the disposition recording date of the certification.

ORDER

Therefore, it is ordered that this request be granted, and the Fire Fighter (M1540T), Irvington Township list be revived so that Tyshawn Bolden's name can be added to certification (OL190904) for current appointment consideration.

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 12th DAY OF MARCH, 2020

Derdre' L. Webster Calib

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: Tyshawn Bolden Tony Vauss Kelly Glenn Pamela Lacina Records Center