

STATE OF NEW JERSEY

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

In the Matter of Peter Nevins,
County Emergency Management
Planner (C0790A), Hudson County

Examination Appeal

CSC Docket No. 2020-2318

ISSUED: MAY 22, 2020 (SLK)

Peter Nevins appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the requirements for the promotional examination for County Emergency Management Planner (C0790A), Hudson County.

The education requirement for the subject examination was possession of a Bachelor’s degree. The experience requirements were two years of experience in planning at the municipal, regional, State or federal level, one year of which shall have been in the area of emergency/disaster planning by the September 4, 2019 closing date. A total of four individuals applied for the subject examination and two were determined eligible. Certification OL200239 has been issued containing the names of the two eligibles and its disposition is due on June 2, 2020. The list expires on February 26, 2023.

On the appellant’s application, he indicated that he had a Bachelor’s degree. Additionally, he indicated that he was provisionally serving in the subject title from January 2019 to the September 4, 2019 closing date, a Deputy Police Chief for the Bayonne Police Department from August 2015 to September 2018, and a Police Captain for the Bayonne Police Department from June 2007 to August 2015. Agency Services credited him with having met the education requirement and having eight months of experience based on his provisional service in the subject title, but determined that he lacked one year and four month of planning experience at the municipal or other governmental level and four months of emergency management/disaster planning experience.

On appeal, the appellant explains that in addition to his experience in the subject title, as a Deputy Police Chief, he was regularly involved in emergency

management planning. He states that weekly he was involved in emergency planning for a planned or unplanned event. The appellant indicates that he was involved in planning parades, city-wide events, festivals, carnivals and other events. These events involved coordinating with other stakeholders such as the Fire Department, the Office of Emergency Management and Emergency Management Services. Additionally, he needed to follow recommendations issued by State and federal agencies regarding domestic preparedness and domestic terrorism prevention. Further, the appellant was involved in planning and implementing dignitary visits, such as visits from the Governor, and coordinating with various stakeholders regarding anticipated severe weather events. Additionally, his work involved unplanned emergencies such as plane crashes, water main breaks and fires. The appellant also highlights that he has completed course work on the Incident Command System which is the preferred emergency management system used for both small and large-scale operations.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive announcement by the closing date. *N.J.A.C.* 4A:4-6.3(b) provides, in pertinent part, that the appellant shall have the burden of proof.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination as he lacked sufficient amounts of the required general planning at the municipal or other governmental level and specific emergency management planning experience by the September 4, 2019 closing date. On the appellant's application, concerning his Deputy Police Chief experience, the appellant was asked to list the major duties he performed in this position, in order of importance. In response, the appellant indicated:

Served as both the Administrative Deputy Chief of Police and Deputy Police Chief of Operations during my three-year tenure in that title. Had anywhere from 25 to 125 sworn personnel under my command as well as 30-60 civilian employees. Oversaw all facets of uniformed division and Traffic Bureau, determined resource allocation based on statistical analysis and crime suppression/prevention initiatives. Liaise with community leaders, residents, and business owners. Promoted department's commitment to Community Policing. Served as Acting Police Chief in the Chief's absence. Assisted in policy development and training goals for department. Provided planning and oversight at major events within the city both planned and unplanned events. Oversaw the hiring process for the department. Authored grant applications for federal and state level awards. Authored grant application that led to largest award in state for body worn cameras in 2016.

Initially, it is noted that any general planning that the appellant did in this title was limited to the Police Department and applicable emergency management planning was not specifically listed. The closest applicable duty was “[p]rovided planning and oversight at major events within the city both planned and unplanned.” Further, it is noted that this duty was not listed as one of his most important duties as it was not one of his first listed duties. Additionally, when reviewing the job specification for Deputy Police Chief, the definition section indicates that incumbents in this title assist the Police Chief in management and discipline of a county or municipal police department. In reviewing the examples of work for Deputy Police Chief, the closest examples to the applicable duties are may assist in planning county or municipal police work and provides police protection/assistance to gatherings and those engaged in extinguishing fires. The definition and examples of work do not specifically reference emergency management planning duties. Also, the appellant indicates that he worked with the Office of Emergency Management and Emergency Management Services along with other departments for both planned events as well as unplanned emergencies. In other words, while the appellant as a Deputy Police Chief had some involvement with emergency management, police work does not primarily involve emergency management planning. Further, it would appear that the primary responsibility for emergency management planning was with the Office of Emergency Management. In order for experience to be considered applicable, it must have as its **primary focus** full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

ORDER

Therefore, it is ordered that the 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
20TH DAY OF MAY, 2020

Deirdre L. Webster Cobb

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