



STATE OF NEW JERSEY

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

In the Matter of Woodbridge Fire
District 11

CSC Docket No. 2020-2542

Request for Reconsideration
And Request for Interim Relief

ISSUED: JULY 2, 2020 (RE)

Woodbridge Fire District 11 (WFD11), represented by Lane Biviano, Esq., petitions the Civil Service Commission (Commission) for interim relief and reconsideration of *In the Matter of Woodbridge Fire District 11* (CSC, decided March 12, 2020).

By way of background, in *In the Matter of Woodbridge Fire Districts 8, 11 and 12* (CSC, decided January 16, 2019), the Commission noted that the petitioner acknowledged that it had a Fire Official and a Fire Inspector, and agreed in August 2018 to add them to the County and Municipal Personnel System (CAMPS), but had not done so, and that it had other employees who did not work constant or regular hours, but provide services on an “as needed” basis. The Commission explained that if a Fire District regularly assigns work to individuals that it compensates, the duties of those positions must be classified by either career service or unclassified titles. After a title is determined to classify the duties of an employee’s position, his or her appointment must be recorded CAMPS. If the petitioner could not determine an appropriate title, it was required to contact the Division of Agency Services (Agency Services) which would perform a classification review and determine the appropriate title and appointment type for each position. The Commission ordered the petitioner to record various employees into CAMPS within 30 days of the issuance date of its decision (January 22, 2019), and cease providing payment for firefighting services to individuals who are not regularly appointed Firefighters.

Agency Services had previously instructed the petitioner to enter all paid employees into CAMPS by August 12, 2018. It had notified the petitioner of the matter on March 9, 2018, and did not receive a response. In its letter of July 13, 2018, Agency Services provided the petitioner with a jurisdiction code and instructions for contacting it for support. Thereafter, the petitioner did not comply except to record one employee, a Fire Prevention Specialist. It did not record eleven other individuals including five Commissioners, a Janitor, a Maintenance Repairer, a Clerk, an Accountant, a Fire Official and an Engineer (Mechanic).

Subsequently, Agency Services sent the petitioner a letter on November 19, 2019 which stated that employees were not recorded in CAMPS and attempts at contact were unsuccessful. Voicemail messages could not be left due to a full mailbox, and emails were unanswered. Additionally, WFD11 started a recruitment effort to hire “auxiliary member” firefighters, and Agency Services asked for payroll records. It requested that employees be entered into CAMPS within 20 calendar days, and it provided contact information. On December 10, 2019, Agency Services requested enforcement of the Commission’s decision and in *Woodbridge Fire District 11, supra*, decided on March 12, 2020, the Commission fined the petitioner \$10,000 for noncompliance and violation of an order of the Commission.

In request for reconsideration, the petitioner argues that it has no paid firefighters, and apart from the Commissioners, the employees are part-time. It argues that the Fire Official was unsuccessful in attempts to contact Agency Services from August 2018 forward. It supplies an email dated May 9, 2019 asking for an identification to enter into CAMPS, and notes of attempted phone contact on April 25, 2019, and twice on May 9, 2019. The Fire Official emailed Agency Services on December 10, 2019, and was informed that the contact was outside of the 20 day window. The Fire Official then emailed Agency Services on December 11, 2019, stating that while the petitioner missed the deadlines, it intended to provide information once “clarification was secured,” as it was unsure who must be enrolled in CAMPS. The petitioner argues that Agency Services did not respond with assistance to its December 10, 2019 email, and that the December 11, 2019 email gave all required information to enroll employees in CAMPS. It provided a screen shot from a phone of a filed CAMPS report with a list of nine employee names and employee identification numbers, and believes that it is now in compliance.

Further, the petitioner argues that Agency Services was more interested in receiving a fine than providing assistance, and was not objective when it sent a notification of an open-competitive announcement for Fire Official to Woodbridge Fire District #1, which has union members. The petitioner argues that any infractions are not as egregious as those of other jurisdictions who were fined, and the \$10,000 fine was excessive.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the present matter, the petitioner relies on Agency Services' non-responsiveness to its inquiry of which individuals were considered to be employees for the purposes of CAMPS, and what the process was for inputting information into CAMPS. In this respect, it is noted that the Commission answered the first question in *In the Matter of Woodbridge Fire Districts 8, 11 and 12, supra*, wherein it stated that Agency Services provided the petitioner with a list, and cautioned the Fire Districts to record *any* employee in CAMPS upon hiring, whether for firefighting duties or other duties. The Commission stated that if a Fire District regularly assigns work to individuals in positions that it compensates, the duties of those positions must be classified by either career service or unclassified titles. As to the process, a CAMPS User Guide is available for all appointing authorities. The petitioner claims that Agency Services was not responsive to its contacts. However, it was also non-responsive to Agency Services. The petitioner was on notice to add employees to CAMPS as early as the summer of 2018, and by March 2020, had only entered one employee. Nonetheless, on April 16, 2020, the petitioner entered the five Commissioners on CAMPS, and as such, it has the identification needed to access CAMPS and knows the process. While it believes that it is now in compliance, it has yet to enter a Janitor, a Maintenance Repairer, a Clerk, an Accountant, a Fire Official and an Engineer (Mechanic). As such, it is not in compliance, yet it claims that it would like to be. Given the circumstances, the petitioner should be given one last chance to comply, and therefore the matter is referred to Agency Services for appropriate action to ensure that the petitioner comes into compliance and enters the remaining six employees into CAMPS. Given the current Covid-19 situation, the fine is held in abeyance for 90 days while the petitioner comes into compliance. So long as the remaining employees are entered into CAMPS in that timeframe, the fine will be vacated.

If the petitioner fails to enter the remaining employees into CAMPS in the 90-day timeframe, it must remit the \$10,000 fine. As to the amount of the fine, while the petitioner did not cite *any* case wherein another jurisdiction was fined less, it also did not indicate an instance where a jurisdiction was over one year non-compliant and was fined less. The amount of the fine was calculated correctly from the formula given in the Commission's prior decision of January 16, 2019.

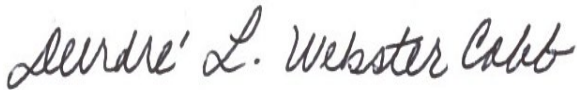
Given the above, the request for interim relief is rendered moot. This determination is not to be used as a precedence in any other matter.

ORDER

Therefore, it is ordered that this request for reconsideration be granted, and the request for interim relief be dismissed as moot.

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 1ST DAY OF JULY, 2020



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: Steven Freeman
Susan Scott, DAG
Lane Biviano, Esq.
Kelly Glenn
Records Center
Beth Wood