



In its petition to the Civil Service Commission (Commission), Vineland requests permission to conditionally appoint Pace and Wolf as Fire Fighters. In this regard, the appointing authority underscores that confronted with the current COVID-19 pandemic, it has been difficult for Vineland to complete its hiring processes. Although it has managed to complete its internal hiring processes for Pace and Wolf but has not been able to appoint them because they have not tested and passed the PPT. The appointing authority emphasizes that these unfilled positions have created a budgetary hardship as, in order to ensure coverage, it requires it to pay overtime to current Fire Fighters. Additionally, it notes that these unfilled positions may ultimately result in safety issues for its fire fighters and the general public. Under these circumstances, the appointing authority requests that Pace and Wolfe be conditionally appointed until such time as they can be tested via the PPT.

## CONCLUSION

In circumstances where an appointing authority needs to make an appointment, and an incomplete eligible list or no eligible list exists, a provisional appointment may be made pursuant to *N.J.A.C. 4A:4-1.5*. However, *N.J.A.C. 4A:1.4* permits the conditional regular appointment in the competitive division of the career service when disputes or appeals concerning higher ranking eligible may affect the final appointments. The conditional appointment will be changed to a Regular appointment when the appeal outcome does not change the list. *N.J.A.C. 4A:1-1.2(c)* permits the Commission to relax a rule for good cause to effectuate the purposes of Title 11A, New Jersey Statutes.

Administering a portion of the test after a list is issued presents a unique circumstance in that there is an eligible list, and even a complete certification of eligibles, but regular appointments cannot be made unless the eligible take and pass the PPT. In this case, COVID-19 safety measures have delayed the administration of the PPT and the appointing authority indicates that it has suffered budgetary hardships due to the fact that it is required to pay overtime to other fire fighters as it cannot permanently fill two vacancies. Had an eligible list not been in place, the appointing authority could have made a provisional appointment. However, in this case, even though a list exists, the appointing authority cannot make a permanent appointment until the PPT is administered. Under these unique circumstances, the Commission finds it appropriate to relax the provisions of *N.J.A.C. 4A:1.4* and *N.J.A.C. 4A:4-1.5* to permit Conditional Regular Appointment of Pace and Wolfe to the title of Fire Fighter pending successful completion of the PPT, whenever it is administered. Should they pass the PPT, their appointments will change to Regular Appointments. However, should either fail the PPT or are otherwise unable to be appointed, they should be separated and other reachable eligibles should be appointed from the certification.

**ORDER**

Therefore, it is ordered that this request be granted the conditional regular appointments of Pace and Wolfe be recorded pending administration of the PPT. However, should either fail the PPT or are otherwise unable to be appointed, they should be separated and other reachable eligibles should be appointed from the certification.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF JULY, 2020

*Deirdre' L. Webster Cobb*

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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: Anthony Fanucci, Mayor  
Luigi Tramontana, Fire Chief  
Dominick Pace  
Christopher Wolfe  
Michael Johnson  
Kelly Glenn  
Records Center