



STATE OF NEW JERSEY

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

Fire Fighter Physical Performance
Test

CSC Docket No. 2021-236

Administrative Appeal

ISSUED: OCTOBER 2, 2020 (TMG)

The Township of Belleville, City of Long Branch, Village of South Orange, City of Perth Amboy, and the Township of Nutley petition the Civil Service Commission (Commission) to permit conditional appointments to the title of Fire Fighter.

By way of background, the Fire Fighter Examination consists of two parts: a written examination, on which candidates are ranked, and a Physical Performance Test (PPT), which simulates the physical activities Fire Fighters perform on the job and is administered as a pass/fail examination. Moreover, the eligible list for Fire Fighter is issued prior to administering the PPT. Candidates are only tested via the PPT when a Certification of Eligibles is issued and candidates have responded to the appointing authority as interested in the position. Under normal circumstances, the PPT would then be administered and the appointing authority would subsequently be notified of those who passed the PPT and could be considered for permanent appointment from the certification. However, due to the current COVID-19 pandemic, and the subsequent stay at home orders and social distancing requirements, this agency has been unable to schedule the PPT. This has resulted in the inability of Civil Service jurisdictions to make appointments to the entry level Fire Fighter title since the onset of the pandemic because the eligibles on the relevant certifications cannot complete the testing process.

In the present matter, the petitioners have indicated an urgent need to immediately appoint Fire Fighters. They emphasize that all Fire Academies have stringent physical fitness requirements that are incorporated into daily training and request that the PPT be waived or that they be permitted to conditionally appoint

reachable eligibles whose name are certified and to test them via the PPT when the Commission is able to safely resume that process.

CONCLUSION

Administering a portion of a 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 eligibles take and pass the PPT. In this case, COVID-19 safety measures have delayed the administration of the PPT and appointing authorities throughout the State have indicated that they have an immediate need to fill entry level Fire Fighter positions. In this case, even though a list exists, appointing authorities cannot make permanent appointments until the PPT is administered.

While the PPT further refines the list to those interested eligibles who demonstrate a higher likelihood of successfully completing the physical portion of the Fire Academy training, it cannot be ignored that appointing authorities have been unable to hire entry level Fire Fighters who were ranked and passed the written competitive examination test since mid-March 2020. Indeed, the need to fill these critical public safety positions during the COVID-19 crisis cannot be understated, as each unfilled position undermines overall public safety and results in budgetary hardship due to such things as increased overtime costs. Additionally, individuals on the list have satisfied the minimum constitutional and statutory requirement allowing for the selection of employees on the basis of the relative knowledge, skills, and abilities as they have passed the written examination. *See N.J.S.A. 11A:1-2(a)*. Moreover, it cannot be ignored that the Fire Academies have stringent physical fitness requirements incorporated in its daily training. Clearly, the Commission prefers providing appointing authorities entry level Fire Fighter eligible lists that strive to predict candidates' successful completion of the physical components of the required job duties. However, given the extraordinary nature of the ongoing COVID-19 crisis, the petitioning appointing authorities are willing to make permanent appointments, absent the critical PPT selection tool, and defer to the Fire Academy physical training component during the COVID-19 crisis. Under these unique circumstances, the Commission finds it appropriate to waive the PPT portion of the examination process for all appointing authorities desiring to make permanent appointments until such time as the PPT can be safely and expeditiously administered. At that time, all appointing authorities will be advised that the former examination and certification procedures will be put back into effect.

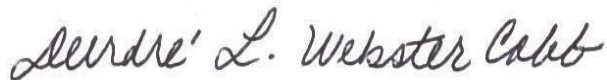
The decision in this matter is based on the unique situation presented and shall not serve as precedent in any other matter.

ORDER

Therefore, it is ordered that these requests be granted and the PPT portion of the Fire Fighter examination be waived until such time the PPT can be safely and expeditiously administered. It is also ordered that any appointing authority who fills entry level Fire Fighter positions from any current eligible list be permitted to request and dispose of certifications consistent with certification procedures without PPT testing.

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 30TH DAY OF SEPTEMBER, 2020



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