



STATE OF NEW JERSEY

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

In the Matter of Charles Estelow,
Fire Lieutenant (PM2363C),
Florence Township Fire District 1

CSC Docket No. 2021-1520

Examination Appeal

ISSUED: JULY 2, 2021 (RE)

Florence Township Fire District 1, on behalf of Charles Estelow, appeals the decision of the Division of Agency Services (Agency Services) which found that he was not permanent in a title to which the examination was open for Fire Lieutenant (PM2363C), Florence Township Fire District 1.

The subject examination was announced with a closing date of April 30, 2021, and was open to employees in the competitive division who had an aggregate of three years of continuous permanent service in the title Fire Fighter. There are three eligible applicants, and the examination has not yet been held. The appellant's permanent title as of the announced closing date was Fire Prevention Specialist. Thus, he was found not permanent in a title to which the examination was open.

On appeal, the appointing authority indicates that as a result of a classification review, Estelow has been serving provisionally, pending qualifying examination (PAQ), in the title Emergency Medical Technician, UFD (Uniformed Fire Department) since March 11, 2016. The appointing authority states that all supporting documentation was sent to Agency Services in support of Estelow's demotional title change in July 2016, but his County and Municipal Personnel System (CAMPS) record still reflects the provisional appointment. Under these circumstances, the appointing authority requests that Estelow be admitted to the subject examination.

It is noted that in its classification review determination dated February 10, 2016, Agency Services found that Estelow's position would be properly classified as Emergency Medical Technician, UFD and that he is considered serving PAQ in that

title effective March 11, 2016. After receiving Agency Services' classification review determination, Estelow applied for qualifying demotional examination to this agency on or about July 26, 2016. However, the job specification for Emergency Medical Technician, UFD specifies that position in this classification can only be filled through civil service **promotional procedures**. Therefore, as movement to the Emergency Medical Technician, UFD (class code 12) would be considered a demotional movement from his permanent title of Fire Prevention Specialist (class code 14), Agency Services would be unable to process Estelow's application for a qualifying demotional examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(b) states, in pertinent part, that applicants for promotion from entry level firefighter titles shall have three years of continuous permanent service in a title to which the examination is open, except as otherwise provided by law.

N.J.A.C. 4A:4-2.4(a)1 provides, in pertinent part, that a promotional examination shall be open to the next lower in-series title used in the local jurisdiction.

N.J.A.C. 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, the appellant was correctly found ineligible for the subject examination as he was not permanent in a title to which the examination was open, as he is not in the title Fire Fighter. As permitted by *N.J.A.C.* 4A:4-2.4(a)1, this examination was open only to title scope, and experience and education were not factors in determining eligibility.

Nevertheless, the appellant's CAMPS record needs to be addressed as he has remained PAQ in the title of Emergency Medical Technician, UFD since March 11, 2016 as a result of a classification review. The appellant's title prior to the classification review was Fire Prevention Specialist, the title to which he was regularly appointed on June 11, 2007, and a move to Emergency Medical Technician, UFD on March 11, 20216 was a demotion. In this respect, it is noted that the job specification for Emergency Medical Technician, UFD notes that:

Positions in this class may be filled through promotion examination procedures only. Candidates must meet those requirements and qualifications for promotion specified in the Civil Service law, rules, and regulations.

The appellant submitted an application for demotional qualifying examination in July 2016 after he received the results of the classification review. However, Agency Services was unable to process this as a demotional qualifying examination as the job specification requires that the Emergency Medical Technician, UFD positions be filled only through competitive promotional examinations procedures. This results in Estelow being in a no-win situation because his position is properly classified as Emergency Medical Technician, UFD, but he cannot be promoted to that title as his permanent title, Fire Prevention Specialist, is evaluated at a higher-class code. The Commission emphasizes that this is an untenable situation which requires an equitable remedy. Absent the requirement that movement to Emergency Medical Technician, UFD be processed as a promotional examination, a review of Estelow's application for qualifying demotional examination demonstrates that he possesses the minimum requirements for the title and would pass the examination. Moreover, it is fundamentally important that his position be properly classified. Under these unique circumstances, the Commission finds good cause to accept Estelow's qualifying examination as appropriate for Emergency Medical Technician, UFD and he receive a regular appointment date of August 6, 2016.

A thorough review of all material presented indicates that the decision of Agency Services, that appellant did not meet the announced requirements for eligibility by the examination closing date, is amply supported by the record and appellant provides no basis to disturb that decision. Thus, appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied. Further, it is ordered that Charles Estelow's CAMPS record be amended to reflect that he passed the qualifying examination for Emergency Medical Technician, UFD and he receive a regular appointment date of August 6, 2016.

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 JUNE, 2021

Deirdre' L. Webster Cobb

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