



STATE OF NEW JERSEY

In the Matter of Fire Officer 4
(PM3382E), Jersey City

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

CSC Docket No. 2024-594

Examination Appeal

ISSUED: October 11, 2023 (ABR)

Jersey City, represented by Arthur R. Thibault, Jr., Esq., appeals the determination of the Division of Agency Services (Agency Services), which denied Jersey City’s request to reduce the one-year service requirement in the title of Fire Officer 3 to the completion of the working test period for the promotional examination for Fire Officer 4 (PM3382E), Jersey City.¹

By way of background, the PM3382E examination was announced on August 1, 2023, with an application deadline of August 21, 2023, and a closing date of October 31, 2023. The subject examination was open to employees in the competitive division who possessed one year of continuous permanent service in the title of Fire Officer 3. It is noted that seven eligibles applied and five eligibles were admitted to the subject examination, which is tentatively scheduled to be administered in November 2023.

By letter dated August 16, 2023, Jersey City petitioned Agency Services for a reduction of the one-year service requirement to completion of the working test period. In this regard, Jersey City maintained that only seven incumbents possessed one year of continuous permanent service in the title of Fire Officer 3, as required for the PM3382E examination. The appointing authority observed that four additional incumbents in the title of Fire Officer 3 would achieve one year in grade in November 2023 and asserted that because they had successfully tested for three superior officer

¹ Fire Officer 4 is equivalent to the title of Fire Chief.

ranks, successfully completed their working test periods for Fire Officer 3 and because of its need to enlarge the pool to ensure that the most qualified Fire Officer 3 incumbents are promoted to the rank of Fire Officer 4, it would be important and consistent with the purposes of the Civil Service system to expand the pool of eligible candidates. Accordingly, Jersey City requested a waiver of the time-in-grade requirement, pursuant to *N.J.A.C. 4A:4-2.6(g)(3)*, for the Fire Officer 3 incumbents who completed their working test periods.

Agency Services, by letter dated August 28, 2023, noted that the appointing authority had 18 employees serving in the rank of Fire Officer 3, 14 of whom possessed one year of continuous permanent service. Agency Services determined that there would likely be an adequate number of eligible candidates to fill Fire Officer 4 positions in Jersey City. Accordingly, based upon the foregoing, Agency Services found that the appointing authority failed to demonstrate that it met the criteria for the relaxation of the time-in-grade requirement, as set forth in *N.J.A.C. 4A:4-2.6(g)*, and denied the appointing authority's request.

On appeal to the Civil Service Commission (Commission), the appointing authority argues that Agency Services' determination was incorrect, as the records it relied upon were inaccurate. It avers that the pool of potential Fire Officer 4 candidates includes only seven individuals, which is 50 percent less than the 14 that Agency Services cited in denying the subject request. The appointing authority maintains that the pool could shrink more if some eligible candidates do not sit for the examination or if some of those candidates who test do not pass. It notes that the job specification for Fire Officer 4 requires candidates to possess "[f]ive (5) years of supervisory experience involving the extinguishing of fires," rather than requiring a specific amount of service in any one title because of differences in the title departments associate with Fire Officer 3². Against this backdrop, the appointing authority contends that allowing employees to take the Fire Officer 4 examination with less than one year of service in the title of Fire Officer 3 is not a new or uncommon practice. It emphasizes that the four Fire Officer 3 incumbents who lack one year in grade have demonstrated their competency, successfully completed examinations for three superior officer ranks and completed working test periods for Fire Officer 3. Given the foregoing circumstances, the appointing authority avers that these candidates should not be deprived of the ability to be considered for promotion for the foreseeable future because they presently lack one year in grade.

² Specifically, the appointing authority presents that in some departments, the title of Fire Officer 3 is associated with the rank of Deputy Fire Chief, while in others it corresponds to Battalion Fire Chief.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. *N.J.A.C.* 4A:4-2.6(g) states, in relevant part, that an appointing authority may request that the time requirements specified in *N.J.A.C.* 4A:4-2.6(a) be reduced to completion of the working test period if:

1. There is currently an incomplete promotional list and/or the number of employees eligible for examination will result in an incomplete list;
2. It appears that vacancies to be filled within the duration of the promotional list will exceed the maximum number of eligibles that could result from examination; or
3. Other valid reasons as determined by the Chairperson or designee.

The Commission is responsible for the review and determination of denied requests to reduce the one-year service requirement to the completion of the working test period. Such requests are at the discretion of the appointing authority. Nonetheless, while an appointing authority may initiate a request, this request may be denied by the Commission if it does not meet the criteria set forth in *N.J.A.C.* 4A:4-2.6(g).

In the instant matter, the appointing authority has not demonstrated that it has met any of the criteria set forth in *N.J.A.C.* 4A:4-2.6(g). In this regard, since five applicants have been admitted to the subject examination, the conditions of *N.J.A.C.* 4A:4-2.6(g)1 have not been met, as it does not appear that an incomplete list is likely to occur after the administration of the subject examination. Additionally, with regard to the requirement of *N.J.A.C.* 4A:4-2.6(g)2, the appointing authority has not provided any information which demonstrates that the number of vacancies will exceed the maximum number of eligibles that could result from the subject examination. Specifically, it is noted that five candidates have been admitted to the subject examination and the appointing authority has not provided any statistical information about the present number of vacancies in the title of Fire Officer 4 that it needs to fill. Similarly, the information submitted by the appointing authority has not demonstrated that a valid reason exists to reduce the time-in-grade requirement pursuant to *N.J.A.C.* 4A:4-2.6(g)3.

Finally, the Commission emphasizes that the appointing authority is responsible for ensuring that personnel changes are entered into CAMPS on a timely basis. As such, if any of the incumbents listed as currently serving in the Fire Officer 3 title in the County and Municipal Personnel System (CAMPS) are no longer in


active service in that title, the appointing authority must promptly update their personnel records accordingly.³

ORDER

Therefore, it is ordered that this 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 11TH DAY OF OCTOBER, 2023



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³ Official CAMPS records currently show 18 incumbents serving in the Fire Officer 3 title.