



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Matthew Lopez, Fire
Official (M0178U), Washington
Borough

Examination Appeal

CSC Docket No. 2016-4038

ISSUED: OCT 21 2016 (HS)

Matthew Lopez appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the open competitive examination for Fire Official (M0178U), Washington Borough.

The subject examination was announced with a closing date of March 29, 2016 and was open to New Jersey residents who possessed a current and valid Fire Official certificate issued by the New Jersey Department of Community Affairs and five years of experience in one or more of the following areas or some combination thereof: (1) as a firefighter in a paid or volunteer fire company, and/or (2) in the inspection of buildings to detect fire hazards and to enforce fire safety codes and regulations, and/or (3) in the investigation of fires to determine their cause, and/or (4) in the inspection of the construction of buildings and the review of building construction plans and specifications to ensure compliance with fire protection codes and regulations, and/or (5) in the installation of fire protection equipment. It is noted that the appellant was the only applicant for the subject open competitive examination, which was cancelled.

On his application, the appellant indicated possession of the required Fire Official certificate and listed his relevant experience as a Fire Official with Washington Borough for 20 hours per week during March 2016; as a Fire Inspector with Washington Township, Morris County, for eight hours per week from February 2013 to March 2016; as a Fire Inspector with Independence/Great Meadows Township for four hours per week from September 2013 to March 2016; as a Deputy OEM Coordinator with Washington Township from August 2013 to March 2016;

and as a Firefighter with Long Valley Fire Company #1 for four hours per week from June 2009 to March 2016. The appellant was credited with approximately two years of pro-rated experience based on his experience as a Fire Official, Fire Inspector in both Washington Township and Independence/Great Meadows Township, and as a Firefighter. However, none of the remaining positions listed on the appellant's application was determined to be applicable. Thus, Agency Services determined the appellant lacked approximately three years of the required experience.

On appeal, the appellant contends that he possesses the requisite experience. He explains that his hours fluctuate from week to week and clarifies the number of hours he has worked. Hours worked as a Firefighter were as follows:

Year	Hours worked
2009	94.98
2010	215.33
2011	992.89
2012	326.24
2013	199.71
2014	168.46
2015	169.27
2016 (through March 8)	74.25

Hours worked as a Fire Inspector were as follows:

Year	Hours worked
2013	139.50
2014	252.25
2015	288.00
2016 (through March 29)	146.91 ¹

Hours worked as the provisional Fire Official were as follows:

Year	Hours worked
2016 (through March 29)	63.28 ²

¹ The appellant's documentation does not specify how many hours were completed as of the March 29, 2016 closing date for the subject examination. Based on the 378.00 hours worked through August 16, the appellant averaged approximately 1.65 hours per day. Therefore, he is considered to have proportionately worked approximately 146.91 hours as a Fire Inspector in 2016 as of the closing date.

² The appellant's documentation does not specify how many hours were completed as of the closing date. Based on the 492.50 hours worked from March 7 through September 1, the appellant averaged approximately 2.75 hours per day. Therefore, he is considered to have proportionately worked approximately 63.28 hours as a Fire Official by the closing date.

In addition, the appellant complains that the examination announcement did not state that part-time experience would be pro-rated. In support, he submits letters of support from the Long Valley Fire Company #1 Chief and the Washington Township Fire Official; a copy of his original application; and supplemental documentation of his hours worked.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. A review of the appellant's application reveals that he did not possess the required experience. In this regard, it is noted that applicants were required to possess five years of full-time experience. The appellant's experience as a Fire Official, Fire Inspector in both Washington Township and Independence/Great Meadows Township, and as a Firefighter was considered applicable. However, since these positions were part-time, Agency Services pro-rated the hours the appellant indicated he worked in those positions to determine the equivalent amount of full-time experience.

On appeal, the appellant complains of a lack of notice that part-time experience is pro-rated. However, the online application guide, available to all candidates on this agency's website, instructs candidates to "Provide all employment information (not just your current employment information)." The instructions in the Employment Record state, in relevant part: "Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week." This agency requires a basis in which to evaluate the amount of experience, full or part-time work. As such, applicants must specify on the original application the months and years and the approximate number of hours a week worked performing relevant duties in order to evaluate or pro-rate experience. *See In the Matter of John Clark, et al.* (MSB, decided February 26, 2003). *See also, In the Matter of Chad Reed* (CSC, decided November 5, 2015) (applicant's part-time experience as Fire Official pro-rated to full-time experience).

The appellant also clarifies the number of hours worked as a Firefighter, Fire Inspector and Fire Official. Using these figures, the appellant worked a total of 3,131.07 hours in these positions by the closing date. Based on a full-time workweek of 35 hours, these positions equated to approximately 90 weeks of full-time experience. None of the remaining positions listed on the appellant's application are considered applicable since they did not have as their primary focus, the required experience. Accordingly, the appellant has not demonstrated

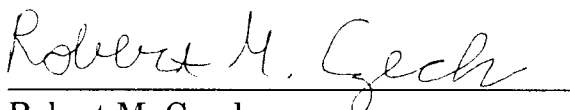
possession of five years of full-time experience, and there is no basis to disturb Agency Services' determination.³

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 19TH DAY OF OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Assistant Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

c. Matthew Lopez
Kristine Blanchard
Senator Michael J. Doherty
Kelly Glenn
Records Center

³ If the appellant's hours worked as a Fire Inspector and Fire Official after the closing date are included, he worked a total of 3,791.38 applicable hours equating to approximately 108 weeks of full-time experience. As such, he still would not meet the experience requirement.