



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Benedict Rotondi,
Fire Fighter (M2537M), Hoboken

Request for List Revival

CSC Docket No. 2016-2555

ISSUED: OCT 21 2016 (HS)

Hoboken requests that the eligible list for Fire Fighter (M2537M), Hoboken be revived to allow for the retroactive appointment of Benedict Rotondi, effective December 3, 2015.

By way of background, the Fire Fighter (M2537M), Hoboken eligible list of 146 names promulgated on December 13, 2011 and had an original expiration date of December 12, 2013. The eligible list was extended to December 12, 2015 pursuant to the decision of the Civil Service Commission (Commission) in *In the Matter of Open-Competitive Lists for Fire Fighter (M9999M)* (CSC, decided December 4, 2013). The last certification of the eligible list was on March 9, 2015 and contained the names of eight eligibles, including Rotondi as the sixth ranked eligible. In disposing of the certification, the appointing authority appointed the first and third ranked eligibles, effective September 14, 2015. The second, fourth and eighth ranked eligibles were removed from the eligible list, and the fifth ranked eligible was suspended from the list. Rotondi and the seventh ranked eligible were retained as interested and reachable for appointment.

In the instant request, the appointing authority states that it had one Fire Fighter vacancy as of December 3, 2015 and seeks to revive the subject eligible list to appoint Rotondi retroactively, effective that same date. It submits that the delay in a Battalion Fire Chief's retirement near the end of 2015 forced it to delay certain promotions and appointments that depended on his retirement and that would have opened vacancies down to the rank of Fire Fighter. The appointing authority explains that these delays, in turn, caused a delay in its disposition of the last

certification of the eligible list. In addition, the appointing authority submits that it is one Fire Fighter below the level set by ordinance. It states that it needs to fill the position to maintain operational efficiency and to ensure that it does not jeopardize funding it receives under a grant, which requires a set staffing level. The appointing authority adds that Rotondi has been employed as a Public Safety Telecommunicator since November 2010 and has acquired many of the skills needed to be a Fire Fighter.

The Division of Agency Services recommends that the subject eligible list be revived for Rotondi's permanent appointment.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay, or for other good cause.

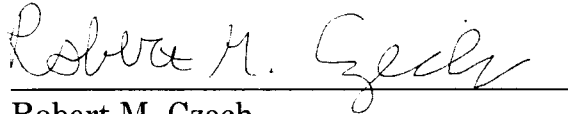
In the instant matter, the appointing authority submits that a delay in the retirement of a Battalion Fire Chief late in 2015 resulted in a Fire Fighter vacancy on December 3, 2015. The date of this vacancy fell within the life of the eligible list. In addition, as the highest ranked interested eligible on the last certification of the subject eligible list, Rotondi would have been reachable for appointment on December 3, 2015. *See N.J.A.C.* 4A:4-4.8(a)3. Also, the appointing authority submits that it needs to fill the position in order to maintain an appropriate staffing level. Therefore, good cause has been established to revive the subject eligible list so that Rotondi may be regularly appointed to the title of Fire Fighter. Moreover, Rotondi shall also be given a retroactive date of permanent appointment effective December 3, 2015, upon successful completion of a current working test period, for salary step placement and seniority-based purposes only.

ORDER

Therefore, it is ordered that this request be granted and the eligible list for Fire Fighter (M2537M), Hoboken, be revived to effectuate the regular appointment of Benedict Rotondi. It is also ordered that upon successful completion of a current working test period, Rotondi be given a retroactive date of permanent appointment effective December 3, 2015, for salary step placement and seniority-based purposes only.

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



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