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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Scott Janssens, Sr.,
Inspector Fire Safety (S0144T),
Statewide

CSC Docket No. 2015-2928

Examination Appeal

ISSUED: JUN 22 2015 (SLK)

Scott Janssens, Sr. appeals his score on the open competitive examination for Inspector Fire Safety (S0144T), Statewide. Mr. Janssens' final average score was 70.000 and he ranked 42nd on the employment roster.

The subject examination had a closing date of February 27, 2015. The examination was processed as a "ranked unassembled" examination involving the evaluation of education, training and experience¹ as set forth on the candidates' examination applications. It is noted that the scoring standard gave credit for up to ten years of appropriate experience immediately preceding the closing date. In the matter at hand, credit was awarded for experience in a field associated with the fire service or fire protection industry, such as fire inspector, fire protection system installations, fire protection sub-code, or fire prevention official. The scoring standard on which credit was based was a fixed incremental scale utilizing the "banding" methodology. Under the band method of scoring, the total number of months/years of exact experience a candidate possesses *within a given range or "band"* determines his/her score. The band method is utilized when it has been determined that there is no need to show very fine distinctions in rank among candidates. For example, a candidate who has five years of a specific type of experience may not be any more qualified than a person who has four years of the same experience.

¹ Under the scoring standard, there was not an education requirement; however, certain education could be substituted for experience. Additionally, a valid Fire Inspector certification issued by the Department of Community Affairs was required; however, no additional credit was awarded since all applicants must be certified as a Fire Inspector.

Consistent with the above rationale, the scoring standard provided that applicants who met the open competitive requirements and had up to four years of experience received a base score of 70.000. Candidates who had between four years and one month of experience to six years of experience were awarded a score of 80.000. Candidates who had six years and one month of experience and above were awarded a score of 90.000. A total of 58 applicants applied for the subject unassembled examination that resulted in an employment roster of 50 eligibles with an expiration date of April 22, 2018. It is noted that Certification OS150332 was issued containing the names of 31 eligibles, including the appellant's name which is in the 28th position, and its disposition is due July 23, 2015.

Mr. Janssens indicated on his original application that he was an Inspections/Investigations IFPTE for 30 hours per week with the Department of Community Affairs from November 2013 to the February 27, 2015 closing date, the President of EasyWay Electronics, Inc. from May 2011 to July 2012, a Service Manager for EasyWay Electronics, Inc. from August 1995 to May 2011, a Fire Inspector for 15 hours per week for Milltown Fire Prevention from January 1997 to August 2010, a Fire Instructor for 12 hours per week for Bergenfield Fire Training Center from January 1992 to May 1998, and a Fire Inspector for 15 hours per week for Bergenfield Fire Prevention from May 1991 to December 1995. The appellant also indicated that he possesses a Fire Inspection certification. Additionally, Mr. Janssens submitted a resume which provided other experience.² The Division of Agency Services (Agency Services) credited Mr. Janssens with a base score of 70.000 for his prorated one year and two months of experience as a Inspections/Investigations IFPTE with the Department of Community Affairs and his prorated two years and five months of experience after March 2005 as a Fire Inspector with Milltown Fire Prevention.

On appeal, Mr. Janssens presents that his experience as a Fire Fighter should be credited as he asserts that it meets the subject examination requirement by being in a field associated with the fire service or fire protection industry. Further, he provides that as a Fire Fighter he has taken over 100 applicable courses including building construction, fire protection systems, fire inspections, and fire suppression. Additionally, the appellant maintains that as a Fire Fighter he has more applicable experience than an individual who receives credit for holding a fire inspector's license, but whose work is limited to installing and testing fire alarms and/or suppression systems, whereas his firefighting experience not only includes intimate knowledge of the State Fire Code, but also provides hands-on experience

² In addition to experience listed on Mr. Janssens' application, his resume indicated that he was a volunteer Fire Fighter holding various positions for the Milltown Fire Department from April 1996 to the February 27, 2015 closing date, a volunteer Fire Fighter holding various positions for Bergenfield Fire Department from May 1987 to May 2003, a Fire Instructor in various positions from January 1992 to the February 27, 2015 closing date, and was in the United States Navy from July 1983 to September 1985.

with building construction, fire suppression, and how a fire behaves. Mr. Janssens argues that he should be credited for experience that was obtained more than 10 years ago as he has not forgotten all that he learned from those experiences and the subject announcement does not indicate that such experience will not be considered in calculating an applicant's examination score. The appellant states that he has two years of zoning board experience that he did not include on his application based on the subject announcement; however, after reviewing the job specification for the subject title, he is requesting that this experience be credited since the job specification indicates knowledge of zoning requirements and terminology as one of the skills needed for the subject title. The appellant also argues that in order for Agency Services to properly score and rank applicants, at minimum, it should contact an applicant's last supervisor to understand the applicant's code knowledge, quality of inspections, paperwork, and work ethic. Mr. Janssens asserts that it is insufficient to leave this step for the interview process as, under the Rule of Three, only those candidates who are ranked near the top will get a chance to interview.

CONCLUSION

A review of the record demonstrates that the appellant's score is correct. With respect to an unassembled examination, it is long standing policy that in the course of the administration of an unassembled examination, only the ten most recent years of experience are evaluated for scoring purposes. As such, this examination only evaluated experience between March 2005 and February 2015. *N.J.S.A. 11A:4-1* provides considerable discretion to the Civil Service Commission (Commission) in the development and scoring of examinations for positions in the career service. The adoption of the long-standing policy of evaluating a candidate's most recent ten years of experience in the course of the administration of unassembled or "Education and Experience" examinations is an example of this discretionary authority. In adopting this policy, it was determined that there are so many changes in the methods and/or equipment in performing tasks in every area of employment that only experience gained within the ten year time period immediately prior to the closing date of the examination would be evaluated for credit. The Commission has upheld the appropriateness of the ten-year rule. *In the Matter of Peter Smith* (Civil Service Commission, decided April 23, 1984), it was determined that "there are sound reasons for limiting the evaluation to experience gained within the past ten years since rapid changes in certain fields make recent experience a more valid indicator of current knowledge than experience gained many years ago." The Commission further concluded that "the utilization of the ten year cut-off in grading the E&E examination ... is neither arbitrary nor discriminatory." *See also, In the Matter of John Gerolstein* (Commissioner of Personnel, decided October 24, 1996). The unassembled examination process takes into account the quality and quantity of experience an applicant possesses, as well as, if determined appropriate, education and seniority. Thus, the duration of an

applicant's tenure alone does not determine his or her final ranking on an eligible list.

Mr. Janssens indicated relevant experience on his original application as a part-time Fire Inspector between November 2013 and the February 2015 closing date and as a part-time Fire Inspector between March 2005 and August 2008. Thus, he was credited with the maximum permissible experience under the ten-year rule. The appellant argues that his volunteer Fire Fighter experience should be included in the examination scoring. However, in reviewing the job specifications, a Fire Fighter's primary responsibility is to extinguish fires and perform rescue operations while an Inspector Fire Safety's primary duty is to perform inspections in order to enforce the Fire Code. As such, it would not be appropriate to award scoring credit for experience extinguishing fires for this examination. It is also noted that the scoring standard did not provide for additional credit for the various coursework completed by the appellant. In reference to the appellant's request to have his experience as a Zoning Officer (which he did not include on his application) credited in determining his examination score, since the application for the announcement is considered the "test paper," it is no more subject to later amendment than a multiple choice test answer sheet. Accordingly, the Commission need not decide whether this is applicable experience as additional experience not included on original test papers cannot be considered in the appeal process. *See In the Matter of Alex Westner* (Commissioner of Personnel, decided August 11, 1997). As such, Mr. Janssens was properly awarded three years and seven months credit for his prorated part-time experience as an Inspections/Investigations IFPTE with the Department of Community Affairs and as a prorated part-time Fire Inspector for Milltown Fire Prevention which equates to the base score for up to four years of experience. Therefore, his final average score of 70.000 is correct.

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 17th DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Scott Janssens
Kelly Glenn
Joe DeNardo

