



STATE OF NEW JERSEY

In the Matter of Steven Salvatoriello,
Sheriff's Officer Lieutenant
(PC2094U), Essex County

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

CSC Docket No. 2017-3591

Examination Appeal

ISSUED: June 7, 2018 (JH)

Steven Salvatoriello requests a make-up examination for the promotional examination for Sheriff's Officer Lieutenant (PC2094U), Essex County.

By way of background, the appellant was scheduled to be tested on May 4, 2017 at William Dickinson High School in Jersey City. The Center Supervisor report indicated that candidates brought their firearms to the test site. However, the school guards informed the Center Supervisor that there was a "no weapons in school policy" and did not permit the candidates to enter the school. The candidates informed the Center Supervisor of a "no weapons to be left in vehicle policy." The Center Supervisor advised candidates that the school policy must be followed.

In an appeal filed at the test center, the appellant indicated that he "cannot leave my duty weapon unsecured in my vehicle . . . It is against the law of NJ and my dep[artment] policy to leave a loaded handgun unsecured in a vehicle. Civil Service should have notified me not to bring my authorized duty weapon to the test."

CONCLUSION

N.J.A.C. 4A:4-2.9(c)¹ provides that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

¹ It is noted that effective July 17, 2017, *N.J.A.C.* 4A:4-2.9 was amended and section b and section c were rewritten. As a result, *N.J.A.C.* 4A:4-2.9(b) provides that for professional level engineering,

1. Death in the candidate's immediate family;
2. Error by the Civil Service Commission or appointing authority; or
3. A catastrophic health condition or injury, which is defined as either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who provides a medical verification of the need for the candidate's absence from work for 60 or more work days.

The Division of Administrative Services uses examination centers throughout the State. These centers have been chosen for both their suitability as test sites and their location near transportation routes. The William Dickinson High School was determined to be a suitable examination center that satisfied these criteria. As indicated above, test staff were not informed of the "no weapon" policy until candidates brought their firearms into the building. Furthermore, since the test site is rented by the Civil Service Commission, test staff do not have the authority to change the policies of the facility.

Moreover, it is noted that the appointing authority was contacted regarding this matter and provided a portion of the Essex County Sheriff's Office General Order, which under the section, "Securing the standard issued firearm and/or off-duty firearm at home and/or off-duty," provides the following procedure: "unload the firearm, and lock in the vehicle's trunk, keeping the ammunition separate. Do not place firearm in the glove compartment. Members utilizing vehicles manufactured without a secure trunk shall unload and place firearm in a container or wrap in cloth and conceal within the interior of the vehicle, keeping ammunition separate. All locks and windows shall be secured." Thus, although the appellant is correct in his assertion that it is against his department's policy to "to leave a loaded handgun unsecured in a vehicle," the Essex County Sheriff's Office, as indicated above, permits officers to store their firearms and ammunition separately in their vehicles.

police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety promotional examinations, make-ups may be authorized only in cases of: 1. Debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination; 2. Death in the candidate's immediate family as evidenced by a copy of the death certificate; 3. A candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation; 4. When required for certain persons returning from military service; or 5. Error by the Civil Service Commission or appointing authority.

The appellant does not provide any explanation as to why he was not able to utilize the above noted procedure.

ORDER

Therefore, it is ordered that this request 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
THE 6TH DAY OF JUNE, 2018

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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