



STATE OF NEW JERSEY

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

In the Matter of Dominick Roselli,
Fire Official (PM2985W), Beachwood

Examination Appeal

CSC Docket No. 2019-3662

ISSUED: OCTOBER 25, 2019 (HS)

Dominick Roselli appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Fire Official (PM2985W), Beachwood.

The subject examination was announced with a closing date of December 21, 2018 and was open to employees who possessed a current and valid Fire Official's 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. The appellant was the only applicant for the subject promotional examination, which was cancelled.

Agency Services determined that the appellant possessed the required certificate. However, he did not enter any experience on his application for the subject examination. Therefore, Agency Services deemed the appellant ineligible since he did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he completed his application and his supporting documentation on December 5, 2018. He maintains that the instructions stated that the narrative for the job description duties was limited to 2,000 characters. In support, he submits a computer screenshot showing employment information typed into the Online Application System (OAS) at 12:03 p.m. on December 5, 2018. Per the screenshot, the appellant worked as a fire inspector in Beachwood for 12 hours per week from December 2008 to February 2018 conducting fire maintenance inspections and as a full-time fire inspector and licensed fire subcode inspector in Toms River since March 2005 conducting field and maintenance inspections. The appellant adds that in his role with Beachwood, he conducted field inspections and follow-up re-inspections; responded to fire complaints regarding commercial and residential properties; and issued violations. He also adds that in his roles with Toms River, he conducts commercial property field inspections, follow-up re-inspections and residential resale inspections; responds to and documents fire complaints; issues fire code violations; conducts plan reviews on new and preexisting construction; conducts construction permit field inspections on properties; and conducts origin and cause fire investigations.

Agency records indicate that the appellant received a provisional appointment to the title of Fire Official, effective February 1, 2018, and continues to serve in that capacity. Agency records also indicate that the appellant completed all parts of his application, except for part six, including payment of the application fee from 11:24 a.m. through 12:22 p.m. on December 5, 2018.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced application filing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination as of the December 21, 2018 closing date since no experience was indicated on his completed application. However, on appeal, the appellant maintains that he did provide the information and in support submits a screenshot from OAS showing his experience. This screenshot is dated and time marked as being from the time period agency records indicate he was completing his application. The screenshot indicated he noted applicable positions as part-time fire inspector in Beachwood and full-time fire inspector and licensed fire subcode inspector in Toms River. He also provides further clarification of the duties he performed in these positions. Although this information amends the appellant's application, the Commission will allow the amendment in this case. As noted

above, the screenshot was clearly taken while he was completing his application. Moreover, it is implausible that the appellant would have taken the trouble to type employment information into OAS and print and retain a screenshot of the information if he did not intend for the information to be part of his application. The amending information demonstrates that the appellant possesses enough applicable experience. Additionally, the record evidences that the examination situation is not competitive since the examination was cancelled given that the appellant, the sole applicant, was deemed ineligible. Further, the appellant continues to serve provisionally in the subject title. Under these particular circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and *N.J.A.C. 4A:4-2.1(f)*, permit the appellant to amend his application, and accept the qualifying experience he has presented. As such, the appellant should be admitted to the examination.

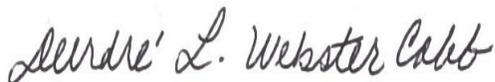
However, the Commission emphasizes that the remedy in this matter is limited to the specific facts presented and shall not be utilized as a precedent in any other proceeding. The importance of submitting a properly completed application that includes all the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Therefore, the Commission cautions the appellant that he must properly complete any applications he may file in the future.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed for prospective employment opportunities.

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 23RD DAY OF OCTOBER, 2019



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