



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of William Apsley,  
Fire Instructor (C0205A), Hunterdon  
County

CSC Docket No. 2020-790

Examination Appeal

ISSUED: December 18, 2019 (RE)

William Apsley appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the open-competitive examination for Fire Instructor (C0205A), Hunterdon County.

The subject examination had a closing date of March 7, 2019 and was open to residents of Hunterdon County, contiguous counties, and New Jersey, who met the announced requirements. These requirements included possession of a valid Fire Service Instructor Level 1 certification, and three years of experience as a paid or volunteer firefighter and/or instructor in the use of various firefighting techniques and procedures in the control and extinguishing of fires in either a paid or volunteer capacity. A total of 17 applicants appear on the eligible list, which has been certified once, but no appointments and yet been made.

On his application, the appellant listed four positions: DPW Floater, Laborer/Heavy Equipment Operator, Fire Instructor 1 (part-time, 8 hours per week), and Sheriff's Cadet. He also indicated possession of the required certification. He was credited with possession of the required certificate, and six months of prorated full-time experience in his Fire Instructor 1 position, and was found to be lacking two years, six months of full-time experience.

On appeal, the appellant states that he possesses a valid Instructor Level 1 certification, has been working as a Fire Instructor with Hunterdon County since May 2017, and has 13 years of experience fighting fires, and in fire prevention and protection. In support, a representative for the appointing authority argues that

the Fire Service Instructor Level 1 certification requires three years as a certified Firefighter 1, and therefore he meets the requirements. It also indicates that the appellant has been a member of a volunteer fire company since 2003, starting as a junior Firefighter and is now the Chief.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

At the outset, it is noted that the application is not a formality used to schedule examinations as this agency makes official determinations for eligibility for all prospective candidates for position in State or local Civil Service jurisdictions since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. For this title, both the valid Fire Service Instructor Level 1 certification, and three years of experience as a paid or volunteer firefighter and/or instructor in the use of various firefighting techniques and procedures in the control and extinguishing of fires in either a paid or volunteer capacity, were required. If the certification were enough on the basis of the requirements for it, then there would be no need for the experience requirement as well. Thus, possession of a Fire Service Instructor Level 1 certification from the Department of Community Affairs does not establish that a candidate possesses the required three years of experience. It is noted that the Fire Service Instructor Level 1 certification requires that the candidate have three years of experience as a NJ Certified Firefighter 1, however, the proof that the Department of Community Affairs requires for that is a copy of the NJ Certified Firefighter 1 showing three years of experience as a NJ Certified Firefighter 1. This does not meet Civil Service Commission standards, which require a candidate to complete the application showing titles, dates of service, hours worked per week, and supervisory and employment information.

On appeal, the appointing authority provides other positions, junior Firefighter and Fire Chief, and the appellant merely states that he has 13 years of experience fighting fires, and in fire prevention and protection. Pursuant to *N.J.A.C.* 4A:4-2.1(f), any supplemental information received after the closing date cannot be considered. Nevertheless, this information cannot be quantified or qualified as all requisite information for those positions, such as titles, duties for each title, full- or part-time hours, months and years of service, or supervisory information, were not provided. It is noted that experience as a junior Firefighter is not qualifying, as it is acquired prior to the candidate's 18<sup>th</sup> birthday. As such, the appellant does not meet the announced experience requirements. As there is a complete list of 17 eligible candidates, the examination is competitive. Thus, even if his supplemental information were to have been complete, it could not be accepted.

In this case, the only appropriate experience submitted on the application was part-time experience as a Fire Instructor 1. The remaining positions have duties that do not match the experience requirement. Based on the information submitted, the appellant lacks two years, six months of full-time experience as of the closing date.

An independent review of all material presented indicates that the decision of the Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

### **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 18<sup>th</sup> DAY OF DECEMBER, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: William Apsley  
Kevin Davis  
Kelly Glenn