



STATE OF NEW JERSEY

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

In the Matter of Pietro Velardi,  
Fire Fighter (M1513T), Clifton

CSC Docket No. 2019-34

Examination Appeal

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**ISSUED: FEBRUARY 27, 2019 (RE)**

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Pietro Velardi, represented by Craig Gumpel, Esq., appeals the removal of his name from the Fire Fighter (M1513T), Clifton eligible list due to his failure to appear for the Physical Performance Test (PPT).

By way of background, the appellant’s name appeared on the Fire Fighter (M1513T) eligible list and was certified to Clifton (OL171449) on December 12, 2017. All candidates on the certification were contacted via email and scheduled to take the PPT. The appellant was sent an email on January 12, 2018 and told that he had been scheduled to take the PPT on February 13, 2018, and given the location of the exam, and a medical clearance form. He did not appear for the PPT, and his name was removed from all Fire Fighter lists on which his name appeared. On appeal, the appellant maintains that he did not receive any notification to take the PPT, and was not instructed that he would receive notification by email.

Staff indicated to the appellant that he had signed a 2015/2016 Fire Fighter Memo of Understanding regarding the Physical Performance Examination which indicated that he would be notified by email, and provided him with a copy. He was also reminded that all candidates were informed that they would be notified by email on the Civil Service Commission’s (Commission) website and in the New Jersey Fire Fighter Examination Post-Written Test Timeline and Candidate Responsibilities Form, which he received at the administration of the multiple-choice portion of the examination.

He replied with a copy of a voluntary agreement between himself and Clifton which indicated that he would not seek employment with Clifton if they made no objection to the restoration of his name to the eligible list. He requested that the Commission acknowledge the agreement and “implement its terms which provide for the restoration of [his] name to all Firefighter eligibility lists to which his name appears, except for the City of Clifton.” He adds that he works for Belleville, and has a lifelong dream of being a Firefighter which was “cut short when he was notified by Civil Service that his name was removed from all firefighter eligibility lists because he failed to appear for the physical performance examination,” and that his failure to appear was not intentional. He maintains that he did not receive an electronic notice, and asks for reinstatement to the eligible list for (M9999T) on “equity grounds,” and as Clifton has no objections.

### CONCLUSION

In reply, a 2015/2016 Fire Fighter Memo of Understanding regarding the Physical Performance Examination was provided to all candidates prior to taking the multiple-choice portion of the examination. Candidates were required to sign this form in order to continue with the examination process. The appellant signed this form on October 24, 2015 and was provided with a copy. This memo indicated that candidates would be contacted via email and scheduled to take the PPT. Therefore, they were specifically advised that it was their responsibility to keep a current email address on file with this Agency and should check spam folders for emails. Thus, ensuring proper receipt of the electronic notice was the candidate’s responsibility. Agency records confirm that an email was sent on January 12, 2018 to the email address provided by the appellant on his application. The email was not returned as “undeliverable” by the computer system, which would have indicated that an invalid email address was used. Prior methods of correspondence and personal circumstances have no bearing on this matter.

Additionally, the New Jersey Fire Fighter Examination (NJFFE) Post-Written Test Timeline and Candidate Responsibilities document was given to all candidates. This document stated that, “If you fail the PPT, do not show up for your scheduled PPT date and time, or do not provide a properly completed and signed medical clearance form, you will be removed from **ALL** firefighter lists.” See *N.J.A.C. 4A:4-2.15(b)2*. This form is also posted on the Commission’s website. Next, the understanding between Clifton and the appellant has no bearing on the matter, as the PPT is administered by the Commission, not Clifton. This agency indicated to Clifton that the appellant did not appear for his PPT exam. Clifton then provided a code on the certification indicating that this agency informed them that he was a no-show candidate. It was each candidate’s responsibility to check their email, including spam folders, for the notification. The appellant has not

satisfied his burden of proof in this matter and sufficient cause exists to remove his name from all of the Fire Fighter lists on which his name appears.

**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 20TH DAY OF FEBRUARY, 2019



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