



STATE OF NEW JERSEY

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

In the Matter of Joseph Stickles,
Fire Fighter (M1840W), Irvington

CSC Docket No. 2020-1927

List Removal

ISSUED: APRIL 17, 2020 (RE)

Joseph Stickles appeals the removal of his name from the Firefighter (M1840W), Irvington 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 Firefighter (M1840W) eligible list and was certified to Irvington on August 1, 2019. The appellant responded as interested, and he was scheduled for the PPT on December 9, 2019, and was 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. In an appeal dated November 20, 2019, the appellant requested a make-up examination as he was "attending Essex County Police Academy, Monday through Friday 6:45 AM to 3:30 PM, as a police recruit and cannot get time off to attend this examination." When he called about the matter in December, Commission staff inadvertently had the appellant respond to the appointing authority and ask for deferral of the certification so that he may remain on all eligible lists.

CONCLUSION

In reply, the New Jersey Fire Fighter Examination (NJFFE) Post-Written Test Timeline and Candidate Responsibilities document was given to all candidates, and is available on the Commission's web site. This document states 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. The appellant attempted to get a make-up examination for the PPT due to a scheduling conflict. Specifically, he could not appear for his examination as he was enrolled in the Essex County Police Academy, which only allowed for absences for illnesses. A scheduling conflict is not a valid reason for a make-up. See e.g., *In the Matter of Scott Hiltner* (MSB, decided August 11, 2004) (Board determined that inability to take the day off from work to participate in an open competitive examination is not a valid reason to grant a make-up examination), and *In the Matter of Wazir Hussain* (MSB, decided March 23, 2005) (Board determined that inability to take the day off from classes at a University for a promotional examination is not a valid reason to grant a make-up examination). There was no special training being given on December 9, 2019. Rather, it was one day out of many weeks of training for which the appellant would not be available. Even if the appellant was misinformed about how to request a make-up, attendance on a routine day at an academy is not a valid reason for a make-up examination.

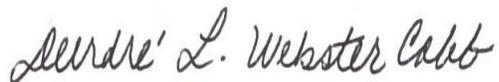
The appellant has not satisfied his burden of proof in this matter and sufficient cause exists to remove his name from all of the Fire Fighter lists on which his name appears.

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 15TH DAY OF APRIL, 2020



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