



STATE OF NEW JERSEY

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

In the Matter of Michael Good
and Robert Gottschalk, Jr.,
Fire Instructor (C1060A),
Bergen County

Examination Appeal

CSC Docket Nos. 2021-526
2021-619

ISSUED: FEBRUARY 23, 2021 (RE)

Michael Good and Robert Gottschalk, Jr. appeal the determinations of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the open-competitive examination for Fire Instructor (C1060A), Bergen County.

The subject examination had a closing date of November 21, 2019 and was open to residents of Bergen County, and contiguous counties, who met the announced requirements. These requirements included possession of a valid Fire Service Instructor Level 1 or 2 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 eight applicants appear on the eligible list, which has been certified once, but no appointments have yet been made.

On his application, Good listed two positions: Fire Instructor (part-time, 12 hours per week) from July 2019 to November 2019, and Fire Instructor Level 2 (part-time, 8 hours per week) from April 2016 to November 2019. Official records indicate that the appellant was provisionally appointed as a Fire Instructor part-time on July 2019. On a resume, Good listed three additional positions that overlapped with the positions on his application. He did not provide the months of service, only the years. The appellant also indicated possession of the required certification. He was credited with possession of the required certificate, and one year, one month of prorated full-time experience in his part-time Fire Instructor position, and was found to be lacking one year, eleven 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.

On his application, Gottschalk listed one position: Fire Instructor (part-time, 4 hours per week) from March 2017 to November 2019. Official records indicate that the appellant was provisionally appointed as a Fire Instructor part-time on March 5, 2018. The appellant also indicated possession of the required certification. He was credited with possession of the required certificate, and four months of prorated full-time experience in his part-time Fire Instructor position, and was found to be lacking two years, eight months of full-time experience.

On appeal, Gottschalk sent a letter from the Chief of the Emerson Volunteer Fire Department who stated, "this letter is to certify that from November 1998 through October 2018, Robert Gottschalk Jr. was an active member in good standing of the Emerson Fire Dept."

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, Good states that he has been a volunteer firefighter for the Tenaflly Fire Department since 1993. 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 he had indicated that he held the following titles in Tenaflly: Captain, Lieutenant, Fire Fighter, Haz-Mat Technician, Apparatus Driver/Pump Operator, and part-time Fire Inspector.

For the Bergenfield Volunteer Fire Department, he indicated that he held the following titles: Fire Fighter, Haz-Mat Technician, Apparatus Driver/Pump Operator and part-time Fire Inspector. Again, no duties were listed for each of these, and no dates of services nor hours were provided. It is noted that Good held other full-time positions during his years of service as a volunteer. Based on the information submitted, Good lacks one year, eleven months of full-time experience as of the closing date.

On appeal, Gottschalk indicated he was an active member of the Emerson Volunteer Fire Department. However, no further information was provided. Pursuant to *N.J.A.C. 4A:4-2.1(f)*, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. See *In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003) and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005). As there are eight admitted candidates, even if additional information was submitted, such as the duties performed and the number of hours worked per week in this position, it could not be accepted.

An independent review of all material presented indicates that the decisions of the Agency Services, that the appellants did not meet the announced requirements for eligibility by the closing date, are amply supported by the record. The appellants provide no basis to disturb these decisions. Thus, the appellants have failed to support their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals 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 17TH DAY OF FEBRUARY, 2021

Deirdre L. Webster Cobb

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