

Firemen win ruling on Long Branch jobs

■ A state appeals court panel upholds a finding that the city improperly excluded the volunteers.

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LONG BRANCH — A state appeals court panel has upheld a decision by the New Jersey Merit System Board that the city improperly excluded five volunteer firefighters from eligibility lists for paid fire department jobs.

In a six-page ruling issued Tuesday, the two-judge Appellate Division panel turned down the city's request to overturn the merit board's decision that Arthur T. Green II, Tristan S. Buck, James F. Cook, Joseph J. Vassallie and Stephen E. Peterson should not have been removed from eligibility lists.

The city advertised an examination for a paid firefighter position, and the five men's names later appeared on a certification list of those who had passed the test and met eligibility requirements. The men's names were removed from the list of those eligible for a variety of reasons, including residence and lack of enough previous volunteer service.

All five appealed to the Merit System Board, claiming they were excluded on minor technicalities in favor of other, politically connected applicants, said lawyer David A. Krenkel, Ocean Township, who represented four of the men.

"Our position on this has been all along that these guys had been removed from the list because there were politics involved," he said. "Civil service was created to avoid politics and take politics out of decision-making."

The merit board ordered the city to include the five men on future eligibility lists and stipulated that if they were hired as paid firefighters, their seniority and pay would be retroactive to 1996, according to the appeals court decision.

The city contested that ruling, but the panel upheld the restoration, saying the residency requirement was put in place after the examination was given. The judges also said that other arguments — specifically the use of the so-called "Rule of Three," which allows three candidates to be struck from an eligibility list for no reason — had not been made to the merit board and therefore could not be used in an appeal.

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