

*In the Matter of Promotional Lists for
Public Safety Titles*

DOP Docket No. 2004-3187

(Merit System Board, decided April 7, 2004)

The Division of Selection Services requests that the eligible lists for certain promotional public safety titles be extended for one year beyond their original expiration date, not to exceed four years, or until a new list becomes available, whichever occurs first. This request applies to all lists for the titles listed below that will expire after April 7, 2004, and to any lists expiring on or before April 7, 2004 but where requests for extension were received from Appointing Authorities after February 1, 2004 but not processed pending approval of this request. The request shall remain in effect indefinitely unless otherwise changed by the Merit System Board.

In order to ensure that promotional lists for public safety titles are available at all times, the Division of Selection Services requests that the following lists, and their bilingual variants, be extended for one year beyond their original expiration date, not to exceed four years, or until a new list becomes available, whichever occurs first: Fire Lieutenant, Fire Captain, Fire Officer 1, Fire Officer 2, Battalion Fire Chief, Police Sergeant, Police Lieutenant, Police Captain, County Police Sergeant, County Police Lieutenant, County Police Captain, Correction Sergeant, Correction Lieutenant, Correction Captain, Correction Sergeant, Juvenile Justice Commission, Correction Lieutenant, Juvenile Justice Commission, Correction Captain, Juvenile Justice Commission, County Correction Sergeant, County Correction Lieutenant, County Correction Captain, Sheriff's Officer Sergeant, Sheriff's Officer Lieutenant, Sheriff's Officer Captain. The Fire Chief, Deputy Fire Chief, Police Chief and Deputy Police Chief titles are not included in the request since frequent vacancies are not expected to warrant their inclusion. The Division of Selection Services also requests that a new announcement be automatically issued in conjunction with the list extension, in accordance with the Department of Personnel's promotional processing schedule, whenever a continuing need to fill vacancies is supported by historical data.

CONCLUSION

N.J.A.C. 4A:4-3.3(a) provides, in pertinent part, that promotional lists shall be promulgated for three years from the date of their establishment and that an eligible list may, for good cause, be extended prior to its expiration date, except that no list shall have a duration of more than four years. *N.J.A.C.* 4A:4-3.4 provides that an expired eligible list may be revived for good cause.

Extension of the indicated lists is appropriate for those jurisdictions or agencies that have a need to fill vacancies in order to provide appropriate public

safety protection. Such action would ensure that a viable list of eligible candidates exists to fill vacancies. Due to potential need, good cause has been established to extend the indicated lists to fill potential vacancies.

It is noted that while provisional appointments may be made in the absence of a list, a basic tenet of the Civil Service Act and its implementing rules is that appointments and promotions are awarded based on merit and fitness, which is measured by competitive examinations. In this regard, by extending the indicated lists, fully-qualified candidates may be appointed rather than untested provisional employees.

ORDER

Therefore, it is ordered that this request be granted and the lists for the indicated public safety promotional titles be revived, as necessary, and extended for one year, not to exceed four years, or until a new list becomes available, whichever occurs first, and a new announcement be automatically issued in conjunction with the list extension whenever a continuing need to fill vacancies is supported by historical data. It is further ordered that a copy of this decision be provided to all affected appointing authorities.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.