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STATE OF NEW JERSEY

In the Matters of Daniel J. Holovacko :
and Jacob D. Murray, South Amboy :
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CSC Docket Nos. 2016-955 and :
2016-960 :
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FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination and
Administrative Appeal

ISSUED: OCT 09 2015 (JET)

The Division of Agency Services (Agency Services), on behalf of South Amboy, requests retroactive regular appointments effective August 20, 2014, for Daniel J. Holovacko and Jacob D. Murray from the Police Sergeant (PM5153N), South Amboy, eligible list and to admit them to the promotional examination for Police Lieutenant (PM1263T), South Amboy.

By way of background, Holovacko's and Murray's names appeared on the Police Sergeant (PM5153N), South Amboy, eligible list, which promulgated on August 7, 2014 and expires on August 6, 2017. The eligible list contained the names of 6 eligibles. Holovacko was the first ranked eligible and Murray was the second ranked eligible. The appointing authority did not request a certification and, therefore, no certification was issued. Although no certification was issued, Holovacko and Murray were appointed to the positions of Police Sergeant effective August 20, 2014, and they continue to serve in that title. Subsequently, the promotional examination for Police Lieutenant (PM1263T), South Amboy, was announced with specific requirements which had to be satisfied by the September 30, 2015 closing date (see attached). The examination has not yet been scheduled. Holovacko and Murray were found to be ineligible for the examination as they did not possess an aggregate of one year of continuous permanent service in title of Police Sergeant as of the closing date, September 30, 2015.

In its request, Agency Services states that Holovacko and Murray were appointed to the title of Police Sergeant effective August 20, 2014. Further, the appointing authority confirms that Holovacko and Murray were properly appointed

since they were the highest ranked candidates on the Police Sergeant PM5153 eligible list. However, due to an administrative oversight, the appointing authority failed to request a certification at the time of Holovacko's and Murray's appointments. As such, the appointing authority now requests a certification for the Police Sergeant (PM5153N), South Amboy, eligible list, and retroactive appointment dates for Holovacko and Murray. Additionally, due to this oversight, Holovacko and Murray were found to be lacking the required one year of continuous permanent service in the title of Police Sergeant and were deemed ineligible to compete in the promotional examination for Police Lieutenant (PM1263T), South Amboy. Therefore, since they were appointed to the title of Police Sergeant on August 20, 2014, and they completed their working test periods on September 20, 2014, the appointing authority states that Holovacko and Murray have the required continuous permanent service in the title of Police Sergeant to establish eligibility for the Police Lieutenant examination.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, and germane to this matter, retroactive appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.

In this case, the record established that Holovacko was the first ranked eligible and Murray was the second ranked eligible on the promotional list for Police Sergeant (PM5153N). Thus, they were reachable for appointment at that time. See *N.J.A.C.* 4A:4-4.8(a)3. The appointing authority reports that due to an administrative oversight, it did not request that the list be certified but provides documentation that it permanently appointed Holovacko and Murray effective August 20, 2014 and that they completed their working test periods of Police Sergeants. Consequently, Holovacko's and Murray's permanent appointments should be recorded as August 20, 2014.

N.J.A.C. 4A:4-2.6(a) states in pertinent part that applicants for promotional examinations shall, by the closing date, meet the criteria of having one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

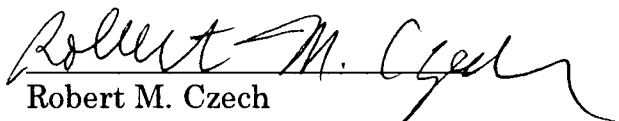
As to their eligibility for the Police Lieutenant (PM1263T), South Amboy, an applicant for a promotional examination must satisfy all eligibility requirements, including the criteria of having one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. The power to award, based on administrative error, delay, or other good cause, retroactive seniority to individuals who have in some way been harmed, implicitly recognizes the principle of merit and fitness for promotion. In this regard, the underlying purpose of "time in grade" requirements is to promote and advance individuals who, through their service, have gained the needed experience and knowledge to warrant promotion. *See N.J.A.C. 4A:4-2.6(a)1.* In this matter, the appointing authority has confirmed that Holovacko and Murray have been serving in the title of Police Sergeant since August 20, 2014. Accordingly, the Commission finds that they have the required continuous permanent service in a title to which the examination is open and they should be admitted to the promotional examination for Police Lieutenant (PM1263T), South Amboy.

ORDER

Therefore, it is ordered that this request be granted and Daniel J. Holovacko and Jacob D. Murray be granted permanent appointments to the title of Police Sergeant effective August 20, 2014, and that they be admitted to the promotional examination for Police Lieutenant (PM1263T), South Amboy.

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 7th DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Henry Maurer
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Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

c: Daniel J. Holovacko
Jacob D. Murray
Fred Henry
Kelly Glenn
Kenneth Connolly

SYMBOL: **PM1263T**

TITLE: **POLICE LIEUTENANT**

ISSUE DATE: **July 01, 2015**

TITLE CODE: **02727 / SHFMR3**

JURISDICTION: **SOUTH AMBOY**

DEPARTMENT: **POLICE**

WEIGHT CODE: **01**

SALARY: **** See Below**

APPLICATION DEADLINE: **July 24, 2015**

(On-line Applications must be submitted by this date.)

JURISDICTION CODE: **T12200008**

CLOSING DATE: **September 30, 2015**

(Eligibility must be established by this date)

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Police Sergeant 02739

SPECIAL EXAMINATION INFORMATION

Examination: The examination items will be related to the duties of a Police Lieutenant. Final scores will be calculated as follows:

Parts / Weights
Written Test (Multiple Choice) / 70%
Seniority Rating / 30%

Note: The Police Lieutenant examination is tentatively scheduled to be administered in October 2015. To obtain a copy of the 2015 Police Lieutenant Orientation Guide, please refer to our website at <http://www.state.nj.us/csc>. Please continue to check the Civil Service Commission website at www.state.nj.us/csc for updated information concerning test dates and other information concerning the testing process. Applicants admitted to the examination will be mailed notice(s) of the date, time and place of the examination. Appointing Authorities will also be notified of the test date, and the test date will be posted on the Civil Service Commission website.

The Orientation Guide will assist you in preparing for the Police Lieutenant Examination; a listing of supervisory textbooks is included with the Orientation Guide. Eligible applicants without access to the Internet can request a copy of the Police Lieutenant Orientation Guide by sending a postcard with your name, mailing address and symbol number along with the words "Orientation Guide". Please mail the postcard to N.J.C.S.C., Law Enforcement Unit, P.O. Box 310 Trenton, NJ 08625-0310.

****Please contact your Personnel Office for current salary information.**

Please note: An abbreviated, 1-page application is being used for this announcement. No detailed information regarding your education, experience, training, etc. is required. Please do not send any additional documents (transcripts, resumes, etc.) to the NJCSC.

Make-up Examinations: Requests for make-up examinations based on medical grounds for public safety promotional exams must include a New Jersey Civil Service Commission Authorization for Public Safety Make-Up Examination Form.

IMPORTANT INFORMATION

1. N.J.A.C. 4A:4-2.6 states that all requirements listed must be met as of the closing date, including jurisdiction, department, and permanent status.
2. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Failure to complete your application properly may cause you to be declared ineligible.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. N.J.A.C. 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. IN ACCORDANCE WITH NJAC 4A:4-2.9 MAKE-UP REQUESTS MUST BE SUBMITTED IN WRITING WITHIN FIVE (5) DAYS OF RECEIPT OF THE EXAM NOTICE. However, in situations involving illness, death or natural disasters, make-up requests must be made in writing within five (5) days after the test date. Requests for make-up examinations based on medical grounds must include written documentation from your physician and must include a New Jersey Civil Service Commission Medical Authorization for Public Safety Make-Up Examination Form. Mail all material to NJCSC, Selection Services, Attn: Make-up, PO Box 310, Trenton, NJ 08625-0310 or fax it to (609) 984-1064.
6. **If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.**

