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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Dwayne Cureton,
Police Lieutenant (PM2570L),
Township of Hillside

Administrative Appeal

CSC Docket No. 2016-1003

ISSUED: **OCT 12 2015** (HS)

The Township of Hillside requests that Dwayne Cureton be provided with a retroactive permanent appointment to the title of Police Lieutenant.

By way of background, Cureton appeared as the first ranked eligible on the Police Lieutenant (PM2570L), Township of Hillside eligible list, which promulgated on February 4, 2010 and expired on February 3, 2013. No certifications issued from the eligible list. Nevertheless, on January 28, 2013, the Hillside Township Council appointed Cureton by resolution to Police Lieutenant, effective February 1, 2013. Thereafter, Cureton applied for the Police Captain (PM1292T), Township of Hillside examination but was found ineligible as he was not permanent in the Police Lieutenant title as of the July 24, 2015 application deadline.

The appointing authority and Cureton request that he be provided with a retroactive appointment as a Police Lieutenant. The appointing authority explains that due to clerical and administrative errors, Cureton's promotion to Police Lieutenant was never properly entered into the appropriate personnel records. The appointing authority further notes that Cureton has been serving as a Police Lieutenant since February 1, 2013 and passed his working test period. It is also noted that the Division of Agency Services supports the request to retroactively appoint Cureton as a Police Lieutenant.

Additionally, Cureton requests that his application be processed and he be admitted to the Police Captain (PM1292T) examination.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment has been made, the Civil Service Commission may order a retroactive appointment date due to administrative error, administrative delay or other good cause, on notice to affected parties.

In the instant matter, the record establishes that the appointing authority intended to promote Cureton to Police Lieutenant effective February 1, 2013, as evidenced by the resolution adopted at the January 28, 2013 meeting of the Hillside Township Council. However, due to clerical and administrative errors, the appointing authority did not request a certification to coincide with the planned appointment date. Nevertheless, had the appointing authority requested a certification at that time, Cureton would have been listed in the first position and reachable for appointment. Under these circumstances, good cause has been presented to revive the Police Lieutenant (PM2570L), Township of Hillside eligible list to effectuate Cureton's regular appointment. Further, the appointing authority verifies that Cureton has been serving as a Police Lieutenant since February 1, 2013 and has passed his working test period. Accordingly, Cureton's appointment is to be considered permanent. Additionally, good cause exists to provide Cureton with a retroactive date of appointment effective February 1, 2013, the date indicated in the Hillside Township Council resolution.

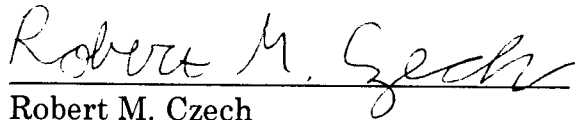
Finally, as Cureton was permanent in the Police Lieutenant title as of the July 24, 2015 application deadline, he should be admitted to the Police Captain (PM1292T), Township of Hillside examination.

ORDER

Therefore, the Civil Service Commission orders that this request be granted and the Police Lieutenant (PM2570L), Township of Hillside eligible list be revived in order to record the permanent appointment of Dwayne Cureton to the title of Police Lieutenant effective February 1, 2013. Additionally, it is ordered that he be admitted to the promotional examination for Police Captain (PM1292T), Township of Hillside.

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



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