



STATE OF NEW JERSEY

In the Matter of Tony Abilio, Police
Sergeant (PM2713L), Borough of
North Arlington

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-890

Administrative Appeal

ISSUED: SEP 17 2015

(WR)

The Borough of North Arlington (North Arlington) requests that the eligible list for Police Sergeant (PM2713L) be revived to allow for the retroactive appointment for Tony Abilio, effective October 25, 2012.

By way of background, Abilio appeared on the Police Sergeant (PM2713L), North Arlington eligible list, which promulgated on June 3, 2010 and expired on June 6, 2014. Two appointments were made, effective June 23, 2011 from the PL110287 certification, which was issued on March 18, 2011. Abilio's name appeared on that certification, but he was not appointed. Abilio's name also appeared on the PL120619 certification, which was issued on May 15, 2012. The appointing authority returned the certification on October 22, 2012, indicating that the certification was to be cancelled as the vacancy was not filled. It is unknown why the certification was cancelled. Nevertheless, on October 25, 2012 the Borough of North Arlington Council appointed Abilio by resolution to Police Sergeant, effective October 25, 2012. Thereafter, Abilio applied for the Police Lieutenant (PM1246T), Borough of North Arlington examination but was found ineligible as he was not permanent in the Police Sergeant title as of the July 21, 2015 closing date.

On appeal to the Civil Service Commission (Commission) the appointing authority requests that the eligible list for Police Sergeant (PM2713L) be revived to allow for the retroactive appointment for Abilio, effective October 25, 2012, as, for reasons that are unclear, the former appointing authority failed to notify this agency of Abilio's appointment. In this regard, it notes that Abilio has fulfilled the duties of Police Sergeant since he was appointed and he has completed his working

test period. Finally, the appointing authority requests that his application be processed and he be admitted to the Police Lieutenant (PM1246T) examination. It is further noted that the Division of Agency Services (Agency Services) supports the appointing authority's request.

CONCLUSION

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

In the present matter, the appointing authority requests a retroactive appointment date of October 25, 2012 for Abilio. As described above, it is unknown why the PL120619 certification was cancelled just prior to Abilio's appointment, but it is clear that he was appointed to Police Sergeant, effective October 25, 2012 and has been performing the duties of a Police Sergeant ever since. Based on the foregoing, it is appropriate to grant Abilio a retroactive appointment date, effective October 25, 2012. Further, as the appointing authority indicates that Abilio has completed his working test period, his permanent appointment should be recorded as October 25, 2012.

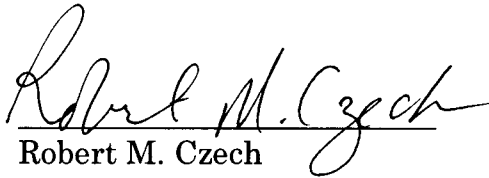
Finally, as Abilio was permanent in the Police Sergeant title as of the July 21, 2015 closing date, it is ordered that he be admitted to the Police Lieutenant (PM1246T), North Arlington examination.

ORDER

Therefore, it is ordered that this request be granted and the permanent appointment of Tony Abilio to the title of Police Sergeant be recorded as October 25, 2012. Additionally, the Commission orders that he be admitted to the promotional examination for Police Lieutenant (PM1246T), Borough of North Arlington.

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 DAY 16TH OF SEPTEMBER, 2015



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