



STATE OF NEW JERSEY

In the Matter of Jason Salvatore,
Sheriff's Officer Sergeant (PC2598T),
Mercer County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1666

Examination Appeal

ISSUED: NOV 23 2016 (JH)

The appointing authority, on behalf of Jason Salvatore, appeals the determination of the Division of Agency Services, which found that Mr. Salvatore was ineligible for the promotional examination for Sheriff's Officer Sergeant (PC2598T), Mercer County.

The subject examination was open to employees in the competitive division in the Mercer County Sheriff's Office who had an aggregate of three years of continuous permanent service as of the closing date of November 21, 2015 and were serving in the title of Sheriff's Officer. A review of Mr. Salvatore's employment record finds that he received a regular appointment to the Sheriff's Officer title effective March 8, 2013. Thus, the Division of Agency Services determined that he lacked the required amount of permanent status in a title to which the examination was open. It is noted that 40 individuals applied, including the appellant, and 39 were admitted to the subject examination. It is further noted that the subject exam was administered on May 12, 2016.

On appeal, the appointing authority presents that Mr. Salvatore "graduated from the Police Academy in April of 2005 and at that time he was hired as an Investigator." The appointing authority notes that by the test administration date in May 2016 "Officer Salvatore will have three years two months of Civil Service permanency" in the Sheriff's Officer title. The appointing authority argues that "in some instances an officer with less than the three years required to take the promotional exam, if just cause and good reasoning can be shown, can be allowed to take the test. As the Mercer County Sheriff, I feel that the above stated facts are

justifiable reasons for allowing Officer Salvatore to take the [up]coming Sheriff[s Officer] Sergeant[t] promotional exam. ”

CONCLUSION

N.J.A.C. 4A:4-2.6(b) provides that in local service, applicants for promotion from entry level law enforcement titles must have three years of continuous permanent service in a title to which the examination is open. Thus, in order to be eligible for the subject exam, applicants were required to possess three years of continuous permanent service as of the closing date in the Sheriff's Officer title in Mercer County. As of the November 21, 2015 closing date, Mr. Salvatore did not possess the required three years of continuous permanent status in the title of Sheriff's Officer in Mercer County.

However, it is noted that *N.J.A.C.* 4A:4-2.6(g) provides that the time requirements specified in *N.J.A.C.* 4A:4-2.6(b) may be reduced to completion of the working test period if:

1. There is currently an incomplete promotional list and/or the number of employees eligible for examination will result in an incomplete list;
2. It appears that vacancies to be filled within the duration of the promotional list will exceed the maximum number of eligibles that could result from examination; or
3. Other valid reasons.

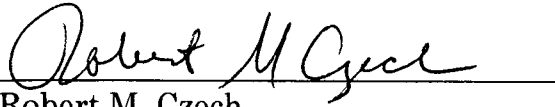
The Civil Service Commission (Commission) is responsible for the review and determination of requests to reduce the three-year service requirement to the completion of the working test period. Such requests are at the discretion of the appointing authority. While an appointing authority may initiate a request, this request may be denied by the Commission if it does not meet the criteria pursuant to *N.J.A.C.* 4A:4-2.6(g). In this regard, it is noted that the appointing authority did not request a waiver of the one-year in grade requirement at the time of the announcement. Furthermore, even if the appointing authority had made such a request, there were, as noted above, 39 eligible individuals admitted to the subject test and thus, the criteria pursuant to *N.J.A.C.* 4A:4-2.6(g)1 would not have been met.

ORDER

Therefore, it is ordered that this appeal be denied.

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 23RD DAY OF NOVEMBER, 2016



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