



STATE OF NEW JERSEY

In the Matters of George Roxby and  
Robert Burton, Highlands Borough

FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2017-620 and  
2017-621

Administrative Appeal

ISSUED: **NOV 30 2016** (JET)

The Division of Agency Services (Agency Services), on behalf of Highlands Borough, requests retroactive regular appointments effective June 17, 2015, for George Roxby from the Police Sergeant (PM5097M) eligible list, and for Robert Burton from the Police Captain (PM0993S) eligible list, Highlands Borough.

By way of background, Roxby's name appeared on the Police Sergeant (PM5097M), Highlands Borough, eligible list, which promulgated on August 7, 2014 and expires on August 6, 2017. The list was certified on March 3, 2016 and contained the names of 4 eligibles. Roxby, a veteran, was the first ranked eligible. Although no certification was issued until March 3, 2016, the appointing authority states that it appointed Roxby as a Police Sergeant effective June 17, 2015. Additionally, Burton's name appeared on the Police Captain (PM0993S), Highlands Borough, eligible list. The list promulgated on March 26, 2015 and expires on March 25, 2018. Burton is the sole eligible and the list has not been certified. Although no certification was issued, the appointing authority states that Burton was appointed as a Police Captain effective June 17, 2015.

In its request, Agency Services explains that the appointing authority appointed Roxby to the title of Police Sergeant and Burton to the title of Police Captain, effective June 17, 2015. However, due to an administrative oversight, the appointing authority failed to request a certification at the time of Roxby's and Burton's appointments. As such, Agency Services indicates the appointing authority now requests retroactive appointment dates for Roxby and Burton,

effective June 17, 2015. Moreover, Agency Services asserts that it is in support of the appointing authority's request.

### 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.

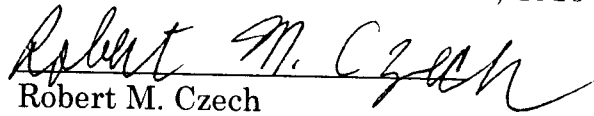
In this case, Roxby was the first ranked eligible on the promotional list for Police Sergeant (PM5097M). Thus, he was reachable for appointment at the time of the March 3, 2016 (PL160282) certification. Although the list for Police Captain (PM0993S) was not certified, since Burton was the sole candidate, he was reachable for appointment. See *N.J.A.C.* 4A:4-4.8(a)3. However, due to an administrative oversight, the appointing authority did not request timely certification but confirms that it permanently appointed Roxby as a Police Sergeant and Burton as a Police Captain effective June 17, 2015. Moreover, they continue to perform the duties of those titles. As such, the Commission is satisfied that they have completed their working test periods. Accordingly, Roxby's permanent appointment as a Police Sergeant and Burton's permanent appointment as a Police Captain should be retroactively recorded as June 17, 2015.

### ORDER

Therefore, it is ordered that this request be granted and George Roxby be granted a permanent retroactive appointment to the title of Police Sergeant (PM5097M) and Robert Burton be granted permanent retroactive appointment to the title of Police Captain (PM0993S), Highlands Borough, effective June 17, 2015.

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 23<sup>rd</sup> DAY OF NOVEMBER, 2016



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