



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Daniel R. Schettino,  
Police Sergeant (PM0807P),  
Township of Nutley

CSC Docket No. 2019-1110

Request for List Revival

**ISSUED December 20, 2018 (VJ)**

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The Township of Nutley requests a retroactive permanent appointment date for Daniel R. Schettino, to the title of Police Sergeant, effective July 10, 2017.

By way of background, a promotional examination promulgated for the title of Police Sergeant (PM0807P) on August 7, 2014 and expired on May 23, 2018. Schettino’s name appeared as the sixth ranked veteran on the subject eligible list. Three certifications were issued from the eligible list. For the first two certifications the names of the first five eligibles were certified. In disposing of the certifications, the first and second ranked eligibles received a regular appointment effective January 5, 2015; the third and fourth ranked eligibles received a regular appointment effective May 20, 2015; and the fifth ranked eligible was removed from the eligible list. Thereafter, a certification (PL180496) dated April 17, 2018, was issued with Schettino listed as the first eligible. The appointing authority returned the certification indicating Schettino received a regular appointment to the title of Police Sergeant effective April 20, 2018.

In the instant matter, the appointing authority asserts that it initially appointed Daniel Schettino to the title of Police Sergeant, effective July 10, 2017, without requesting a certification. Mr. Alphonse Petracco, Nutley Township Public Safety Director submits a memo explaining the oversight, as well as a copy of the resolutions of appointment and other related supporting documents showing that Mr. Schettino has been performing the duties of Police Sergeant since July 10, 2017. Therefore, the appointing authority requests that the Civil Service rectify this administrative error and retroactively appoint Mr. Schettino to the Police Sergeant title effective July 10, 2017.

The Division of Agency Services supports the appointing authority's request.

### CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date.

In the instant matter, the record establishes that Schettino's name appeared on the eligible list for Police Sergeant (PM0807P). However, although Schettino was appointed to the title of Police Sergeant on July 10, 2017, a certification was not requested and issued until April 17, 2018. The record reveals that Schettino has been successfully performing the duties of Police Sergeant since July 10, 2017. A review of the record also reveals that Schettino was reachable for appointment on July 10, 2017, had a certification been issued. *See N.J.A.C.* 4A:4-4.8(a)3. Therefore, based on the foregoing, ample cause exists to grant Schettino a retroactive date of permanent appointment to the title of Police Sergeant. Schettino has completed his working test period as a Police Sergeant. Consequently, his permanent appointment should be recorded as July 10, 2017.

### ORDER

Therefore, it is ordered that this request be granted and the eligible list for Police Sergeant (PM0807P), Township of Nutley eligible list be revived to effectuate the appointment of Daniel R. Schettino effective July 10, 2017.

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 19th DAY OF December 2018



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