

and returned indicating that Sedwick,² Bruther, and Clement were each appointed effective November 30, 2016. Agency Services further notes that “the appointments were recorded . . . with a notation that the appointing authority will submit a request [for] retroactive effective date[s].” With respect to Leusner, the appointing authority promoted him to fill a vacancy but “updated his PMIS record to reflect February 4, 2017 as his provisional appointment date” rather than requesting a certification in order to make a permanent appointment, which was the appointing authority’s intent.

CONCLUSION

N.J.A.C. 4A:4-3.4 provides that an expired eligible list may be revived under the following circumstances: 1. To implement a court order, in a suit filed prior to the expiration of the list; 2. To implement an order of the Civil Service Commission (Commission) in an appeal or proceeding instituted during the life of the list; 3. To correct an administrative error; 4. To effect the appointment of an eligible whose working test period was terminated by a layoff; or 5. For other good cause. *See N.J.S.A.* 11:4-6. A retroactive appointment date “for seniority purposes only” may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Commission, received a later appointment date, or for other good cause. *See N.J.A.C.* 4A:4-1.10(c). The “for seniority purposes only” appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (Merit System Board, decided September 5, 1991).

In the instant matter, the record establishes that the appointing authority intended to promote Sedwick, effective March 23, 2015, Bruther, effective October 15, 2016, Clement, effective May 14, 2016, and Leusner, effective February 4, 2017, to the Sergeant Campus Police title, but due to administrative error, the appointing authority did not request certifications. Nevertheless, had the appointing authority requested certifications at the time of the above noted dates, Sedwick, Bruther, Clement, Leusner could have been permanently appointed on those dates.³ Under these circumstances, good cause has been presented to revive the Sergeant Campus Police (PS7207J), College of New Jersey list to effectuate their regular appointments. Furthermore, the appointing authority verifies that Bruther,

² A review of the record finds that Sedwick resigned in good standing effective October 2, 2017. Thus, TCNJ requests that his employment record be corrected.

³ It is noted that Bruther is a non-veteran and thus, he could have been bypassed. In addition, although Leusner did not appear on PS161585, as noted above, Leusner’s name appears next on the subject eligible list, *i.e.*, after Clement, and is reachable for appointment.

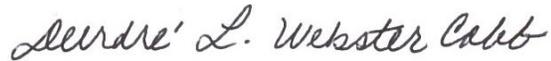
Clement, Leusner have been serving as a Sergeant Campus Police since the above noted dates. Therefore, based on the foregoing, it is appropriate to grant a retroactive date of permanent appointment to the appellants as Sergeant Campus Police effective as of the above noted dates, for seniority and record keeping purposes.⁴

ORDER

Therefore, it is ordered that this request be granted and the Sergeant Campus Police (PS7207J), College of New Jersey eligible list be revived in order to record the permanent appointment of Sedwick, effective March 23, 2015, Bruther, effective October 15, 2016, Clement, effective May 14, 2016, and Leusner, effective February 4, 2017, to the Sergeant Campus Police title, and all of their seniority based benefits be adjusted accordingly.

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
THE 23RD DAY OF OCTOBER, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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c:	James Bruther (2019-3688)	Kelly Glenn
	Charles Clement (2019-3690)	Records Center
	Scott Leusner (2019-1292)	
	Michael Sedwick (2019-3687)	
	Gregory Pogue	

⁴ A review of the record finds that the employment records of Sedwick, Bruther and Clement reflect the above noted retroactive appointment dates. *N.J.A.C.* 4A:4-1.10(a) provides that all initial and subsequent appointments, promotions, and related personnel actions in the career, unclassified or senior executive service are subject to the review and approval of this agency. Accordingly, TCNJ is cautioned not to modify employment records prior to receiving Commission approval.