



STATE OF NEW JERSEY

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

In the Matter of Alberto Rodriguez,
Police Officer (S9999U), City of
Passaic

Administrative Appeal

CSC Docket No. 2020-2307

ISSUED: SEPTEMBER 7, 2020 (SLD)

Alberto Rodriguez requests that the eligible list for Police Officer (S9999U), City of Passaic, be revived so that his name may be certified to the appointing authority.

The subject eligible list promulgated on March 29, 2017 and expired on May 1, 2020.¹ The appellant’s name appeared as the seventh ranked non-veteran eligible on the August 20, 2019 certification (OL190996) of the subject eligible list. The appointing authority returned the certification for disposition on January 16, 2020, and indicated that the appellant was to be retained as “Interested, future certifications only.” In an August 25, 2019 letter to the appointing authority, the appellant indicated that while he was interested in the position of Police Officer, he needed to “delay [his] acceptance again due to active duty military status” as he was “currently still deployed overseas.” The appellant further explained that he was attaching his “resume for consideration of the position that is being offered.” The appellant noted that his expected date of return to the United States was January 2020.

On appeal, the appellant asserts that he was deployed overseas at the time of the certification, but that he anticipated continuing the process of becoming a Police Officer. The appellant requests that he continue the process that he was not effectively able to pursue during the time of his deployment.

¹ The expiration date was extended until the new Law Enforcement Examination (S9999A) eligible list promulgated on May 15, 2020.

In response, the appointing authority does not object to the appellant's restoration to the subject eligible list for future consideration.

CONCLUSION

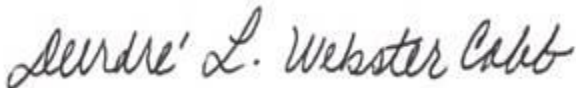
N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission (Commission) in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. In the instant matter, the appellant requests to continue the process that he was unable to pursue as he was deployed overseas on active military duty. The appointing authority does not object to the appellant's restoration to the eligible list for future consideration. The Commission agrees that the appellant should be given an opportunity to be considered for appointment upon his return from active military duty.

ORDER

Therefore, it is ordered that this request be granted and that the list for Police Officer (S9999U), City of Passaic be revived, in order that the appellant may be considered for appointment at the time of the next certification, for prospective employment opportunities only.

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 2ND DAY OF SEPTEMBER 2020



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