

B-15



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Walter Stinner, *et al.*,
Union Township

CSC Docket Nos. 2016-1816, *et al.*

Administrative Appeals

ISSUED: DEC 18 2015 (DASV)

Union Township requests that the appointments of Walter Stinner and Thomas Florio be recorded from the eligible list for Police Sergeant (PM5162N), effective February 24, 2015, and the appointments of Kevin Murphy and Robert Donnelly be recorded from that list effective June 23, 2015. Since these matters address similar issues, they have been consolidated herein.

By way of background, the eligible list for Police Sergeant (PM5162N), Union Township promulgated on August 7, 2014 and expires on August 6, 2017. Stinner, Florio, Murphy, and Donnelly appear as the fifth, sixth, seventh, and eighth ranked eligibles, respectively, on the list. Certifications were issued on August 14, 2014 and September 28, 2015. The first, third, and fourth ranked eligibles on the eligible list were appointed, effective September 9, 2014, from the August 14, 2014 certification. The second ranked eligible, Robert Bischoff, was bypassed. Stinner and Florio, who ranked below the appointed eligibles, were also certified on August 14, 2014, but were not appointed. Thereafter, Bischoff, Stinner, and Florio were again certified on September 28, 2015, along with Murphy, Donnelly, and Anthony Marra. Marra ranks ninth on the eligible list. Upon receipt of the September 28, 2015 certification, the appointing authority advised that Bischoff had retired, effective December 1, 2014, and that Stinner and Florio were appointed as Police Sergeants on February 24, 2015. Similarly, Murphy and Donnelly were appointed as Police Sergeants on June 23, 2015. The appointing authority explained that it believed that prior certifications were requested, but they were apparently not received and a "mix-up" had occurred. The appointing authority noted that the former Human Resource Director left in August 2014, and the office was short

staffed. In the meantime, it had made the four appointments. The appointing authority requested that the appointments be recorded and that a new certification be issued starting with the name of Marra for new appointments.

The Division of Agency Services supports the request. It indicates that the appointing authority has provided signed copies of the Oaths of Office and payroll change forms for Stinner, Florio, Murphy, and Donnelly, demonstrating that they were in fact appointed as Police Sergeants on the specified dates. Moreover, the appointing authority confirms that all four have successfully completed their working test periods for Police Sergeant.

CONCLUSION

The record establishes that Stinner, Florio, Murphy, and Donnelly were reachable on the subject eligible list after the first three appointments were made from the August 14, 2014 certification. See *N.J.A.C. 4A:4-4.8(a)3*. However, the appointing authority appointed them without utilizing a certified list. It submits documentation evidencing their appointments. Given this apparent administrative error and the fact that Stinner, Florio, Murphy, and Donnelly were reachable on the subject eligible list, their appointments should be recorded. Accordingly, the Division of Agency Services is ordered to add the names of Murphy and Donnelly to the August 14, 2014 certification and record the appointments of Stinner and Florio, effective February 24, 2015, and Murphy and Donnelly, effective June 23, 2015. Bischoff's name shall remain reflected as bypassed. Moreover, the Division of Agency Services shall re-issue the September 28, 2015 certification with the appropriate number of remaining eligibles. It is noted that since Bischoff has retired, his name should not appear on the September 28, 2015 certification.¹ Further, since the appointing authority confirms that Stinner, Florio, Murphy, and Donnelly have successfully completed their working test periods, their appointments are to be considered permanent. See e.g., *In the Matter of Winfred L. Christy, Police Officer (M1847M)*. Borough of Lindenwold (MSB, decided January 15, 2003).

ORDER

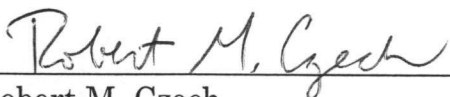
Therefore, it is ordered that these requests be granted and the August 14, 2014 certification of the Police Sergeant (PM5162N), Union Township, eligible list be amended to reflect the permanent appointments of Walter Stinner and Thomas Florio, effective February 24, 2015. Additionally, it is ordered that Kevin Murphy and Robert Donnelly be added to the August 14, 2014 certification and their permanent appointments be recorded, effective June 23, 2015. Moreover, it is

¹ The County and Municipal Personnel System (CAMPS) does not reflect Bischoff's retirement. Accordingly, the appointing authority and the Division of Agency Services are directed to make the necessary update.

ordered that the September 28, 2015 certification be re-issued with the appropriate number of remaining eligibles.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16TH DAY OF DECEMBER, 2015



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