



STATE OF NEW JERSEY

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

In the Matter of Michael Hart, Police
Lieutenant, Little Egg Harbor

CSC Docket No. 2018-2141

Administrative Appeal

ISSUED: April 10, 2018 (RE)

The Division of Agency Services, on behalf of Little Egg Harbor, requests revival of the list for Police Lieutenant (PM1480R) and retroactive permanent appointment of Michael Hart effective April 1, 2015, for Michael Hart.

By way of background, Hart appeared as the second ranked eligible on the certification (PL140452). In disposing of the certification on October 24, 2014, the appointing authority appointed the first ranked eligible effective July 10, 2014. Subsequently, Hart, began performing the duties of Police Lieutenant on April 1, 2015. Although reachable, the appointing authority failed to request a certification and, as a result, Hart was not recorded as permanent in the County And Municipal Personnel System (CAMPS). Thereafter, the subject list was certified on September 11, 2017 (PL171097) and Hart was listed as the first ranked eligible. In disposing of that certification, Little Egg Harbor permanently appointed Hart effective September 11, 2017. Little Egg Harbor notified Agency Services in January 2018 that it failed to request a certification for Hart's appointment. Official records indicate that the eligible list for Police Lieutenant (PM1480R) expired on March 7, 2018. Had another certification been issued from this list, Hart would have been reachable under the "rule of three." In support of its request, Little Egg Harbor provides documentation verifying that Hart has been performing the duties of Police Lieutenant since April 1, 2015. Agency Services recommends granting a retroactive appointment for Hart in the title Police Lieutenant.

N.J.A.C. 4A:4-3.3(b) provides, in pertinent part, that promotional lists shall be promulgated for three years from the date of their establishment. *N.J.A.C.* 4A:4-3.4(a)5 states that the Commission may revive an expired eligible list for good cause. See also *N.J.S.A.* 11A:4-6. *N.J.A.C.* 4A:4-1.10(c) provides that the Commission may order a retroactive appointment date due to an administrative error, administrative delay or other good cause.

CONCLUSION

In the instant matter, there is no basic factual dispute but, rather, the central issue involves reviving an expired promotional employment list in order to effectuate the appointment of Hart. Hart has been performing the duties of Police Lieutenant since April 1, 2015 and was the highest-ranking eligible remaining on the subject list. Thus, he was reachable under the “rule of three” in accordance with *N.J.A.C.* 4A:4-4.8. Under these circumstances, good cause exists to revive the list and give Hart a permanent appointment retroactive to April 1, 2015, and he shall be considered to have completed his working test period starting on this date.

ORDER

Therefore, it is ordered that the request be granted, the PM1480R list be revived, Michael Hart be provided with a permanent appointment as Police Lieutenant, effective April 1, 2015. Hart’s personnel record should be amended in accordance with this decision.

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 4TH DAY OF APRIL, 2018



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