



**STATE OF NEW JERSEY**

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

In the Matter of Robert Boscarino,  
Public Safety Telecommunicator  
(C0276S), Bergen County

Administrative Appeal

CSC Docket No. 2019-3349

**ISSUED: JULY 11, 2019** (HS)

Bergen County requests that Robert Boscarino be provided with a retroactive permanent appointment to the title of Public Safety Telecommunicator.

By way of background, Boscarino received a provisional appointment to the title of Public Safety Telecommunicator, effective July 30, 2013. He later appeared as the fourth ranked eligible on the Public Safety Telecommunicator (C0276S), Bergen County eligible list, which promulgated on November 27, 2014 with the names of nine non-veteran eligibles and expired on November 26, 2017. A certification issued on December 18, 2014 (OL141663) with Boscarino listed in the fourth position. The fifth listed eligible received a regular appointment from certification OL141663, effective March 17, 2015. All other eligibles on the certification, including Boscarino, were removed. Boscarino was removed on the basis that he did not complete preemployment processing. Thereafter, Boscarino applied for the Senior Public Safety Telecommunicator (PC0519A), Bergen County examination. The examination required, as relevant here, an aggregate of one year of continuous permanent service as of the closing date in the title of Public Safety Telecommunicator. Boscarino was found ineligible as he had no permanent status as of the April 22, 2019 closing date.

The appointing authority and Boscarino request that he be provided with a retroactive appointment as a Public Safety Telecommunicator. The appointing authority explains that due to a grave error, Boscarino was removed from certification OL141663 despite having completed preemployment processing. It states that Boscarino remains an active employee serving in the title of Public

Safety Telecommunicator and requests that he be made permanent in the title, effective March 17, 2015, as he has also passed his working test period. In support, it submits payroll records reflecting Boscarino's continued employment. It is also noted that the Division of Agency Services supports the request to retroactively appoint Boscarino as a Public Safety Telecommunicator.

Additionally, Boscarino requests that his application be processed and he be admitted to the Senior Public Safety Telecommunicator (PC0519A) examination.

### 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. *N.J.A.C.* 4A:4-1.10(c) provides that when a regular appointment has been made, the Commission may order a retroactive appointment date due to administrative error, administrative delay or other good cause, on notice to affected parties.

In this matter, the record establishes that the appointing authority intended to appoint Boscarino to Public Safety Telecommunicator, effective March 17, 2015, as evidenced by its indication that Boscarino had actually completed preemployment processing and has remained on the payroll. He was apparently removed from certification OL141663 due to an administrative error. Nevertheless, Boscarino was reachable for appointment from the certification. *See N.J.A.C.* 4A:4-4.8(a)3. Under these circumstances, good cause has been presented to revive the Public Safety Telecommunicator (C0276S), Bergen County eligible list to effectuate Boscarino's regular appointment. Further, the appointing authority verifies that Boscarino has been serving as a Public Safety Telecommunicator since March 17, 2015 and has passed his working test period. Accordingly, Boscarino's appointment is to be considered permanent. Additionally, good cause exists to provide Boscarino with a retroactive date of appointment, effective March 17, 2015.

Finally, as Boscarino became permanent in the Public Safety Telecommunicator title more than one year before the April 22, 2019 closing date, he should be admitted to the Senior Public Safety Telecommunicator (PC0519A), Bergen County examination.

### ORDER

Therefore, the Civil Service Commission orders that this request be granted and the Public Safety Telecommunicator (C0276S), Bergen County eligible list be revived in order to record the permanent appointment of Robert Boscarino to the title of Public Safety Telecommunicator, effective March 17, 2015. Additionally, it

is ordered that he be admitted to the promotional examination for Senior Public Safety Telecommunicator (PC0519A), Bergen County.

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 9<sup>TH</sup> DAY OF JULY, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c. Robert Boscarino  
Michele Popkin  
Kelly Glenn  
Records Center