



## STATE OF NEW JERSEY

In the Matter of Francesco Tripodi,  
Police Lieutenant (PM0708V),  
Hackensack

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

CSC Docket No. 2018-2750

Examination Appeal

**ISSUED: MAY 23, 2022 (JH)**

Francesco Tripodi appeals the determination of the Division of Agency Services (Agency Services), which found that William Pierce met the experience requirements for the promotional examination for Police Lieutenant (PM0708V), Hackensack.

By way of background, the announcement for the subject examination was issued on July 1, 2017 and open to employees in the competitive division who had an aggregate of one year of continuous permanent service and were serving in the Police Sergeant title as of the September 30, 2017 closing date. At the time that eligibility determinations were made, Pierce's available employment record indicated that Pierce received a regular appointment to the Police Sergeant title in Hackensack effective September 22, 2014. Accordingly, Agency Services found Pierce eligible for the subject exam. It is noted that 16 candidates, including the appellant and Pierce, applied for the subject test which resulted in an eligible list containing 12 names.<sup>1</sup> It is noted that both the appellant and Pierce passed the subject test with a final

<sup>1</sup> It is noted that the subject eligible list was issued on March 8, 2018 and expired on March 7, 2022. It is also noted that the subsequent announcement for Police Lieutenant (PM4107C), Hackensack was issued on July 1, 2021 with a September 30, 2021 closing date. Both the appellant and Pierce applied for and were admitted to the PM4107C examination which was administered on October 23, 2021. It is further noted that the resultant eligible lists for Police Lieutenant were promulgated on April 21, 2022. However, the PM4107C list has been held in abeyance pending resolution of this matter.

averages of 76.750 and 77.930, respectively, and appeared at ranks 10 and 8, respectively.<sup>2</sup>

On appeal, Tripodi presents:

Sergeant Pierce was first promoted on 2/25/2013 then demoted to a Police Officer on 5/26/2013 due to failing the working test period. Having approximately three (3) months on the job as a Sergeant. Sergeant Pierce appealed the demotion and won his appeal. Sergeant Pierce was reinstated back to Sergeant on 10/13/2017, but the test was given on 10/5/2017. As per Civil Service Commission of New Jersey, the exam is open to employees in the competitive division who currently serving in a title to which the announcement is open and have an aggregate of one (1) year of continuous permanent service as of the closing date. Sergeant Pierce did not have a continuous year of service for one (1) year.

Tripodi also requests that “the correct promotional dates” for the candidates of subject exam be investigated as “it was revealed that certain Sergeants were confused on the promotional date and entered their date of hire. Entering the wrong dates could have a big impact on the final test results.” In this regard, Tripodi provides a table with “all of the Sergeants date of hire, promotional dates and demotion dates.”<sup>3</sup>

It is noted that the appointing authority, the appellant and Pierce were provided with the opportunity to submit any additional information to be considered. However, no further information was received from the parties.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)1 provides that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

Pierce was initially appointed to the Police Sergeant title effective February 25, 2013. However, the appointing authority notified Pierce that he had failed the

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<sup>2</sup> It is noted that neither the appellant nor Pierce received an appointment to the Police Lieutenant title from the PM0708V list. In this regard, a review of the record finds the no further certifications were issued from the PM0708V list after February 11, 2022. The certification issued on February 11, 2022 was returned for disposition on March 3, 2022 (Certification No. PL220153).

<sup>3</sup> It is noted that the appellant’s table lists 41 names, 17 of which, including his own name, he indicates were promoted to Police Sergeant. Of those 17 names, 12 appear, as noted above, on the resultant eligible list for the subject test. It is further noted that the appellant indicates that he was appointed to the Police Sergeant title on October 17, 2011. However, a review of available employment records finds that he received a regular appointment to Police Sergeant effective October 28, 2011.

requisite working test period and was returned to his permanent position as a Police Officer as of May 26, 2013. Upon Pierce's appeal of that determination and a hearing at the Office of Administrative Law (OAL), the Commission did not agree with the Administrative Law Judge's (ALJ) decision to dismiss Pierce's appeal<sup>4</sup> and ordered that the matter be remanded to OAL. *See In the Matter of William Pierce, City of Hackensack* (CSC, decided July 30, 2014). Subsequently, the parties entered into a settlement agreement and Pierce was appointed to the Police Sergeant title effective September 22, 2014. Upon failing the working test period, he was again returned to the Police Officer title on January 6, 2015. Upon his appeal and a hearing at OAL, the Commission adopted the findings and conclusions of the ALJ who ordered that Pierce's demotion be reversed and he be provided with a new working test period. *See In the Matter of William Pierce, City of Hackensack Police Department* (CSC, decided September 6, 2017), *aff'd*, *In the Matter of William Pierce, City of Hackensack Police Department*. Docket No. A-0892-17T2 (App. Div. June 28, 2019). As a result, Pierce was restored to the Police Sergeant title effective October 13, 2017 and continues to serve in that capacity.<sup>5</sup>

With respect to Pierce's eligibility for the PM0708V exam, as noted above, as of the September 30, 2017 closing date, Pierce was serving in the Police Officer title. Therefore, he should not have been considered eligible for the subject examination. Accordingly, his examination record should reflect that he was rejected from the subject examination as he was not serving in a title to which the examination was open. Furthermore, in order to achieve permanent appointment, an individual must successfully complete a working test period. *See N.J.S.A. 11:4-15* and *N.J.A.C. 4A:4-5.1*. Given that Pierce did not successfully complete a working test period for the Police Sergeant title prior to October 13, 2017, any time he served in the Police Sergeant title prior to October 13, 2017 cannot be considered for eligibility purposes for the subject examination or any future promotional examination.

Regarding seniority scores, it is noted that seniority scores are calculated based on a candidate's available employment record rather than any information that a candidate may provides. As such, the appellant's claim that certain seniority scores may be erroneous as candidates for the subject test "were confused on the promotional date and entered their date of hire," is misplaced. Nevertheless, it is noted that the seniority scores for the remaining 11 eligibles, including the appellant, were reviewed and found to be correct.

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<sup>4</sup> The ALJ indicated that the parties failed to provide a fully executed settlement agreement after indicating they would do so during a settlement conference. As such, the ALJ dismissed the appeal for failure to prosecute.

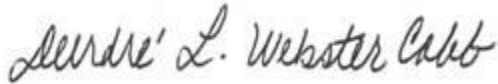
<sup>5</sup> It is noted that the appointing authority was contacted several times regarding this matter and has confirmed the above noted employment dates. It is further noted that Pierce's employment record (in the County and Municipal Personnel System (CAMPS)) has been corrected to reflect these dates.

## ORDER

Therefore, it is ordered that Pierce's examination record for the promotional examination for Police Lieutenant (PM0708V), Hackensack, be changed to indicate that he was not serving in a title to which the examination was open and his name be removed from the resultant eligible list and the remainder of this appeal be denied. It is also ordered that the Division of Agency Services review Pierce's seniority score for the PM4107C examination and any necessary corrections be made. It is further ordered that once any necessary corrections have been made, the PM4107C eligible list be issued.

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 18<sup>TH</sup> DAY OF MAY, 2022




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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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