B-48



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Police Sergeant : (PM2714L), North Bergen :

CSC Docket No. 2015-1054

Request for List Revival and Extension

ISSUED: NOV _ 7 2014 (EG)

North Bergen, represented by Michael A. D'Anton, Esq., requests the revival and extension of the eligible list for Police Sergeant (PM2714L), North Bergen, to fill three existing vacancies.

By way of background, the Police Sergeant (PM2714L) eligible list was promulgated on June 3, 2010, and after a one-year extension, expired on June 2, 2014. The list was certified four times and resulted in 12 appointments. There were 23 names remaining on this list at the time it expired.

In the instant request, the appointing authority asks that the subject eligible list be extended to allow it to fill three existing vacancies. In this regard, it argues that a Township ordinance requires 18 Police Sergeants and it has three vacancies it needs to fill. It also states that it has a critical need for sergeant supervisors in its patrol division. Additionally, it argues that the Civil Service Commission (Commission) has to the power to extend eligible lists to fill genuine vacancies. Further, it contends that due to the review by the Justice Department of the Police Sergeant test, it is unknown when the next list will be available.

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 Commission in the event of a successful appeal instituted during the life of a list to correct an administrative error,. Additionally, N.J.S.A. 11A:4-6 and N.J.A.C. 4A:4-3.3(b)1

provide that an eligible list may, for good cause, be extended, except that no list shall have a duration of more than four years.

In the instant matter, the appointing authority seeks the revival and extension of the Police Sergeant (PM2714L), eligible list in order to allow it to make permanent appointments to fill three vacancies. Specifically, it maintains that it has a critical need for sergeant supervisors in its patrol division.

The Commission will generally grant such requests where appropriate. However, the circumstances of the instant matter compel the Commission to deny the request to revive and extend the list. The Police Sergeant (PM2714L) eligible list was already extended once and was in effect for four years. N.J.S.A. 11A:4-6 specifically indicates no list shall have a duration of more than four years. N.J.S.A. 11A:4-6 also sets forth the specific instances in which a list may be revived beyond four years. The present request does not meet any of these requirements. There is no court order nor was the instant request made during the life of the list to correct an administrative error. In fact, the appointing authority's request came four months after the list had expired. Accordingly, the Commission finds that the appointing authority has not provided any compelling arguments for the Commission to revive and extend the eligible list for Police Sergeant (PM2714L), North Bergen.

ORDER

Therefore, it is ordered that this request be denied.

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 6TH DAY OF NOVEMBER, 2014

Robert E. Brenner

Member

Civil Service Commission

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and

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