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STATE OF NEW JERSEY

In the Matter of Sandor Gal, Town of  
Phillipsburg

CSC Docket No. 2017-2033

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: **JAN 20 2017** (SLK)

The Town of Phillipsburg (Phillipsburg) requests a retroactive permanent appointment for Sandor Gal to Police Lieutenant, effective April 7, 2016.

By way of background, Gal was appointed provisionally as a Police Lieutenant, effective November 1, 2015. However, Phillipsburg did not enter the provisional appointment into the County and Municipal Personnel System (CAMPS). At the time of the provisional appointment, there was an active eligible list, Police Lieutenant (PM5051P), Phillipsburg, which promulgated on February 7, 2013 and expired on April 6, 2016. There were four eligibles on the list and of those eligibles, one retired, one was permanently appointed on May 24, 2013, and two others were permanently appointed on March 25, 2016.<sup>1</sup> On July 15, 2016, the Division of Agency Services advised the appointing authority that Gal's provisional appointment needed to be entered into CAMPS and a request for certification needed to be submitted. Thereafter, Phillipsburg requested that Gal's name be certified from the subsequent promotional list for Police Lieutenant (PM1252T), Phillipsburg, which promulgated on April 7, 2016, and he was permanently appointed effective August 23, 2016.

N.J.A.C. 4A:4-4.1(a) provides when a vacancy is to be filled in the competitive division of the career service from an eligible list, the appointing authority shall request a certification of names for regular appointment. Such request shall be submitted in advance under procedures set by the Civil Service Commission (Commission) to enable it to issue or authorize the necessary certification or advise that there is no appropriate eligible list. However, when Phillipsburg provisionally

<sup>1</sup> These individuals were provisionally appointed as Police Lieutenant effective August 1, 2015.  
DPF-439 \* Revised 7/95

appointed Gal on November 1, 2015, it neglected to request a certification from the (PM5041P) eligible list. Rather, a certification was not issued until August 23, 2016 when Gal's name appeared on the subsequent Police Lieutenant (PM1252T) promotional list. Therefore, the effective date of Gal's permanent appointment could not be prior to that date. Phillipsburg admits it failed to properly record and report Gal's provisional appointment in CAMPS prior to the promulgation of (PM1252T) on April 7, 2016. This error delayed the ability to permanently appoint Gal with an earlier effective date, upon promulgation of the subject list.

It is anticipated that there shall be an upcoming Police Chief, Phillipsburg examination announcement issued with a closing date for eligibility of April 30, 2017. However, due to administrative error on the part of Phillipsburg, Gal will not have one-year permanent service in the title Police Lieutenant prior to the anticipated closing date.

### CONCLUSION

*N.J.A.C. 4A:4-1.10(c)* provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, and germane to this matter, retroactive appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.

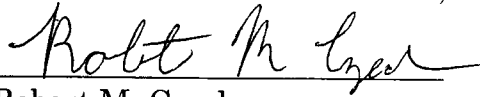
In the instant matter, Phillipsburg failed to properly record Gal's provisional appointment on November 1, 2015 in CAMPS. Further, the appointing authority did not request a certified list of eligible candidates in accordance with *N.J.A.C. 4A:4-4.1(a)* at the time of the provisional appointment. As a result, the certification for (PM1252T) was not issued until August 23, 2016 and Gal's effective date of permanent appointment could not be prior to that date. Due to Phillipsburg's administrative error, Gal will not be eligible for the upcoming Police Chief examination, which has an anticipated eligibility closing date of April 30, 2017, as he will lack the requirement of one-year of permanent service in the title of Police Lieutenant prior to the examination. As Gal was the only eligible on the (PM1252T) list and due to the administrative error on the part of the appointing authority, good cause has been established to provide Gal with a retroactive permanent date of appointment effective April 7, 2016. In light of Gal's service as a Police Lieutenant since prior to April 7, 2016, a current working test period is not required.

**ORDER**

Therefore, it is ordered that this request be granted and the permanent appointment of Sandor Gal to the title of Police Lieutenant be recorded as April 7, 2016.

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 JANUARY, 2017



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