



STATE OF NEW JERSEY

In the Matter of Timothy Baggitt,
Sheriff's Officer Lieutenant
(PC3000U), Monmouth County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2196

Examination Appeal

ISSUED: **MAY 19 2017** (SLK)

Timothy Baggitt appeals the determination of the Division of Agency Services (Agency Services), which found that he was ineligible for the promotional examination for Sheriff's Officer Lieutenant (PC3000U), Monmouth County.

The subject examination was open to employees who had an aggregate of one year of continuous permanent service in the Sheriff's Officer Sergeant title as of the November 21, 2016 closing date. A total of eight employees applied for the examination and seven were admitted to take the test. The test administration date was May 4, 2017. The appellant's personnel record indicates that he was permanently appointed as a Sheriff's Officer Sergeant effective April 2, 2016. Thus, Agency Services found the appellant ineligible as he lacked the required amount of permanent services as of the closing date.

On appeal, the appellant presents that the test administration date for the Sheriff's Officer Sergeant (PC2153R) promotional examination was on May 8, 2014. However, he submits documentation indicating that he was out-of-state attending a training course that was approved by the Monmouth County Sheriff's Department on that date. Thereafter, the appellant was scheduled for a make-up examination, received a passing grade, and permanently appointed as a Sheriff's Officer Sergeant in April 2016. He asserts, based on his score from the make-up examination, if he had taken the Sheriff's Officer Sergeant test on May 8, 2014, he would have been permanently appointed in early 2015 and therefore he would have had more than one year of continuous permanent service in the required title as of the closing date.

He also submits a letter from Shaun Golden, Sheriff for the Monmouth County Sheriff's Office, in support of his appeal.

CONCLUSION

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

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

Initially, it is noted that, on May 28, 2014, the appellant signed an Agreement to Take a Make-Up Examination for Sheriff's Officer Sergeant (PC2153R). The agreement stated that candidates who passed the make-up examination will be considered for prospective appointment and will not receive retroactive appointments. Therefore, the appellant was on notice that he would only receive a prospective appointment if he passed the make-up exam and should have filed an appeal within 20 days of May 28, 2014 if he believed he was entitled to an earlier appointment based on his circumstances. Additionally, the Commission notes that the requirement that applicants must have completed one-year in a lower position does not contradict the constitutional mandate that employees be promoted "according to merit and fitness" but only sets a reasonable floor at which the Commission begins to evaluate the qualifications of applicants. The Constitution does not mandate that all promotional opportunities be made available to all employees. Therefore, while the circumstances are unfortunate, the year in grade requirement cannot be relaxed as the appellant must have actually served in and performed the duties of the Sheriff's Officer Sergeant title during the requisite year in grade in order to be eligible. See *In the Matter of Peter Corbo*, Docket No. A-2275-12T2 (App. Div. October 20, 2014). See also *In the Matter of Albert Giordano* (MSB, decided January 26, 2005).

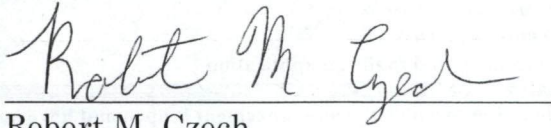
Accordingly, based on the foregoing, the appellant has not met his burden of proof, and has not provided a basis to disturb the determination of the Division of Agency Services.

ORDER

Therefore, it is ordered that this appeal 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 17th DAY OF MAY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Timothy Baggett
Frank Tragno, Jr.
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$50.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PC3000U

WEIGHT CODE: 03

TITLE: SHERIFFS OFFICER LIEUTENANT

SALARY: ** See Below

ISSUE DATE: November 01, 2016

CLOSING DATE: November 21, 2016

TITLE CODE: 03699/ KGFNR3

JURISDICTION CODE: T13000054

JURISDICTION: MONMOUTH COUNTY

DEPARTMENT: SHERIFF

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Sheriff's Officer Sergeant 03700

Examination Date: The examination is tentatively scheduled to be administered in May 2017. Applicants admitted to the examination will be mailed notice(s) of the date, time and place of the examination at least two weeks prior to the test date. Appointing Authorities will also be notified of the test date, and the test date will be posted on the Civil Service Commission website.

Note: Please refer to our website http://www.state.nj.us/csc/seekers/jobs/safety/pro_law_enforce_opp.html for information regarding the Orientation Guide for this promotional examination. The Orientation Guide will assist you in preparing for the promotional examination.

Applicants who are unable to access the Orientation Guide can request a copy of the guide by sending an email with your name, mailing address, and title/symbol to OrientationGuides@csc.nj.gov. Enter "Orientation Guide" in the subject line.

**Please contact your Personnel Office for current salary information.

Please note: An abbreviated, 1-page application is being used for this announcement. No detailed information regarding your education, experience, training, etc. is required. Please do not send any additional documents (transcripts, resumes, etc.) to the NJCSC.

Make-up Examinations: Requests for make-up examinations based on medical grounds for public safety promotional exams must include a New Jersey Civil Service Commission Authorization for Public Safety Make-Up Examination Form.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the department indicated above. If you do not know your department, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the department indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.
8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A * Revised 03/09