



STATE OF NEW JERSEY

In the Matter of Frank Olsen, Police
Sergeant (PM5150N), Runnemede

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

CSC Docket No. 2018-855

Administrative Appeal

ISSUED: July 19, 2018 (JH)

The Division of Agency Services (Agency Services), on behalf of Runnemede, requests that Frank Olsen be assigned a retroactive appointment date to the Police Sergeant title.

By way of background, the eligible list for Police Sergeant (PM5150N), Runnemede, promulgated on August 7, 2014 with the names of eight eligibles and is set to expire on August 6, 2018.¹ Olsen ranked sixth on the subject eligible list, which was certified on August 11, 2014 and March 29, 2017. In disposing of the August 11, 2014 certification (Certification No. PL140964), which contained the names of all eight eligibles, Runnemede appointed the eligibles who appeared at ranks 1 and 2 effective September 2, 2014.² In disposing of the March 29, 2017 certification (Certification No. PL170427), which contained the names of the eligibles who appeared at ranks 4 through 8, Runnemede appointed the appellant effective March 29, 2017.³

In its request, Agency Services indicates that Olsen was provisionally appointed as a Police Sergeant in 2011 but he was not reachable for appointment on

¹ It is noted that the initial expiration date of the PM5150N list, August 6, 2017, was extended one year. *See N.J.A.C. 4A:4-3.3(b)1.*

² Three appointments were made as two eligibles were tied at rank 2.

³ It is noted that the fourth ranked eligible resigned in good standing effective January 31, 2015 and the fifth ranked eligible was bypassed.

PL140964. As a result, he was returned to the Police Officer title. Subsequently, a position for Police Sergeant became available and Olsen was appointed on June 3, 2015. However, the appointing authority failed to request a certification at that time. Agency Services notes that the that Olsen has been performing the duties of a Police Sergeant since June 3, 2015. In support of its request, Agency Services attaches additional documentation including Runnemede Resolution #15-96 dated June 3, 2015 which indicates Olsen's appointment as a Police Sergeant effective June 3, 2015 and "Borough of Runnemede Detail Time Worked by Employee Id" sheets for Olsen for the pay periods ending June 7, 2015 through March 26, 2017.⁴

CONCLUSION

A retroactive appointment date "for seniority purposes only" may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C. 4A:4-1.10(c)*. The "for seniority purposes only" appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (Merit System Board, decided September 5, 1991).

The Commission notes that Runnemede could have requested a certification from the PM5150N list prior to March 2017 and Olsen could have been permanently appointed effective June 3, 2015. However, due to administrative error, Olsen was not appointed to the Police Sergeant title until March 29, 2017. As noted previously, Olsen has been serving as a Police Sergeant since June 3, 2015. Therefore, based on the foregoing, it is appropriate to grant a retroactive date of permanent appointment to the appellant as Police Sergeant effective June 3, 2015, for seniority and record keeping purposes.

ORDER

Therefore, it is ordered that Olsen receive a date of permanent appointment to Police Sergeant of June 3, 2015, and all of his seniority based benefits be adjusted accordingly.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

⁴ It is noted that the entry for the pay period ending June 7, 2015 indicates, "Earning E05 Police Sergeants Pay."

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18TH DAY OF JULY, 2018

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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

c: Frank Olsen
Joyce Pinto
Kelly Glynn
Records Center