



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Megan Watts, Police  
Officer (S9999U), Pennsauken  
Township

Request for Reconsideration

CSC Docket No. 2019-3297

ISSUED: August 1, 2019 (SLD)

Megan Watts, represented by James Katz, Esq., petitions the Civil Service Commission (Commission) for reconsideration of the attached final decision rendered on April 17, 2019, which denied her request that her name be restored to the S9999U Entry Level Law Enforcement Examination (LEE) for all police titles, and that her name be added to the October 9, 2018 certification (OL181073) for Police Officer (S9999U), Pennsauken Township. Alternatively, she requests that her name be restored to the list pursuant to *N.J.A.C. 4A:4-5.5*.

By way of background, the petitioner previously asserted that although she had accepted employment as a County Police Officer in Camden County, it was her goal to become a Police Officer in Pennsauken Township. She maintained that she had recently been made aware that Pennsauken had received a certification for the title of Police Officer but her name did not appear on the certification. The petitioner indicated that she contacted the Pennsauken Police Chief, who maintained that he believed that her appointment by Camden County should have had no impact on her status with regard to Pennsauken. The petitioner argued that if she had known that her name would have been removed, she would have not accepted the position with Camden County. In support, Pennsauken Police Chief, John Nettleton, Jr., maintained that after the petitioner contacted him about her name not being on the Pennsauken certification, he was informed that for the S9999U list, the title area for Police Officer included all police titles and therefore the petitioner's name was removed upon her appointment to the title of County Police Officer. He maintained that the change to the title areas was made with no notice to candidates or appointing authorities and as a result, he had given advice

to several candidates, including the petitioner, based on the previous policy. In its prior decision, the Commission found that as the petitioner received a regular appointment to the title of County Police Officer, effective August 10, 2017, her name was properly removed from the police title area of the subject eligible list. See *N.J.A.C. 4A:4-2.3(c)* and *N.J.A.C. 4A:4-4.7(h)*. The Commission noted that no vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998). Finally, it noted that the petitioner or Pennsauken could explore an intergovernmental transfer pursuant to *N.J.A.C. 4A:4-7.1A*,<sup>1</sup> and that assuming she met the eligibility requirements at the time of the announcement, she could apply for the next LEE. See *In the Matter of Megan Watts* (CSC, decided April 17, 2019).

In her instant petition, the petitioner argues that the Commission has handled this issue in an inconsistent and arbitrary fashion to her detriment. Specifically, she argues that this agency's decision to combine all Police titles into a single title area violated her right to fundamental fairness and caused her to rely to her detriment upon erroneous information provided to her by the appointing authority. In this regard, she submits a certification in which she asserts that "before she accepted the position as a County Police Officer" she spoke with administrative and police personnel in Pennsauken, including the now-Police Chief Nettleton,<sup>2</sup> where she was repeatedly assured that her name would be retained on the eligible list for Police Officer (S9999U) and she would be eligible to be hired by Pennsauken.

Moreover, the petitioner argues that in its prior decision, the Commission ignored the significant change to the prior practice of having County and Municipal Police titles being considered separate title areas. The petitioner argues that this change was made with no notice to appointing authorities or applicants. The petitioner asserts that assuming that this agency had the right to make such a decision without going through the rulemaking process, the change was made with no notification of the significance of this change and/or without any notification in plain language within the instructions of the LEE. The petitioner maintains that this agency had an affirmative obligation to notify both the appointing authorities and applicants so that they could adjust their behavior accordingly. She asserts that grouping all of the Police titles together made it impossible for her to segregate a position with Pennsauken Township, even though that was the entity where she was ultimately interested in working. The absence of such notification resulted in her relying to her detriment upon representations made to her by administrative

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<sup>1</sup> It is noted that an intergovernmental transfer also requires the consent of the sending jurisdiction.

<sup>2</sup> Agency records indicate that John Coffey was appointed to the title of Police Chief, effective May 1, 1995 and retired effective November 1, 2018. Nettleton was appointed to the title of Police Captain, effective December 1, 2017.

and police personnel connected with the Pennsauken Police Department. She asserts that based on the foregoing representations and “without having received any other contrary information from the Civil Service Commission at the time she took the LEE or any time thereafter,” she accepted an appointment as a County Police Officer which removed her from the eligible list and deprived her an opportunity to achieve her goal of being hired by Pennsauken. Under the foregoing circumstances, she argues that the principles of equitable estoppel and/or general equitable principles require that her name be restored and that she be certified to Pennsauken. In this regard, the petitioner notes that this matter is not one of a minor inconvenience, as she resigned her position with Camden County in January 2019 with the “reasonable belief” that she would be hired by Pennsauken. Furthermore, she notes that contrary to the Commission’s suggestion in its prior decision, an intergovernmental transfer is not an option since Camden County would not agree to one and waiting for the next LEE “needlessly delays her employment, provides no guarantee of a position, and based upon the pool of titles, may result in her suffering from the same obstacle.”

In the alternative, the petitioner argues that even if the Commission concludes that no violation has occurred entitling her to relief, the Commission has allowed similarly situated individuals who had accepted employment as a County Police Officer to be restored to the S9999U eligible list for Municipal Police Officer, and thus, its denial subjects her to arbitrary and disparate treatment. In this regard, she notes that T.S. and S.B., were hired by Camden County effective August 10, 2017 and A.P., was hired by Camden County effective January 16, 2018, yet all three of them, who are men, were subsequently hired as Municipal Police Officers. The petitioner maintains that although “female Police Officers continue to remain seriously unrepresented, the female applicant is removed from the certification list, but all three of the male applicants,” are included and/or restored to the eligible list as a result of this agency’s action. Therefore, she maintains that in the interest of fairness she should also be restored to the eligible list for Police Officer (S9999U).

Furthermore, the petitioner argues that since she has now resigned in good standing from her position with Camden County after successful completion of her working test period,<sup>3</sup> *N.J.A.C.* 4A:4-5.5 permits restoration of her name to an eligible list.

Agency records indicate that the petitioner, T.S. and S.B. were all certified on April 10, 2017 (OL170441) to Camden County for the title of County Police Officer (S9999U). All three individuals were appointed to the title of County Police Officer, effective August 10, 2017. Agency records indicate that the disposition of the OL170441 certification was recorded on November 22, 2017.

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<sup>3</sup> Agency records indicate that the petitioner was appointed, effective August 10, 2017 to the title of County Police Officer, and completed her working test period, on August 10, 2018. The petitioner resigned in good standing January 26, 2019.

For reasons that are unclear,<sup>4</sup> T.S.'s name was either not removed from the Police Officer title area or it was restored to the title area, and as a result he was certified several additional times for Police Officer and County Police Officer, including to Lindenwold Borough on August 17, 2018 (OL180860) for the title of Police Officer (S9999U). T.S. was appointed to the title of Police Officer, effective January 23, 2019. Agency records indicate that the disposition of the OL180860 certification was recorded on March 6, 2019.

With regard to S.B., his name was certified to Voorhees Township on April 17, 2017 (OL170467). In disposing of the certification, the appointing authority returned the certification retaining S.B.'s name as interested, not reachable for appointment. This disposition was recorded on December 14, 2017. On January 30, 2018 a new certification (OL180110) was issued to Voorhees Township, however, as it did not contain S.B.'s name, he appealed. On appeal, the Police Chief asserted that he had advised S.B. to accept the position with Camden County if offered as S.B. would not be reachable on the OL170467 certification and that Voorhees would be willing to pay for his training costs incurred by Camden County. The Police Chief further noted that although S.B. stated to him that he would not take a position with Camden County if it stopped him from being hired by Voorhees, the Police Chief again assured S.B. that his name would appear on its next certification. S.B.'s name was restored to the subject title area, and his name was certified to Voorhees on July 6, 2018 (OL180688) for the title of Police Officer. The appointing authority returned the certification appointing S.B., effective October 6, 2018, which was recorded on January 31, 2019.

A.P. was certified to Camden County on April 10, 2018 (OL180343) for the title of County Police Officer. A.P. was appointed to the title of County Police Officer, effective July 16, 2018. Agency records indicate that the disposition of the OL180343 certification was recorded October 1, 2018. A.P. was also certified to Lindenwold Borough on August 17, 2018 (OL180860) for the title of Police Officer (S9999U) and received an appointment, effective January 23, 2019.

Agency records indicate that the S9999U LEE examination was announced with a closing date of August 31, 2016. The announcement indicated under the requirement section that "[b]efore proceeding, you **MUST** click here and read the 2016 Law Enforcement Examination Fact Sheet" (emphasis in original). The link brought candidates to the 2016 LEE Fact Sheet which indicated the following, in relevant part:

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<sup>4</sup> Agency records reveal that T.S. only filed an appeal concerning his removal from the April 10, 2018 certification (OL180343) for County Police Officer (S9999U), Camden County. In a letter dated January 25, 2019, T.S. was informed that since his name should have been removed upon his appointment to County Police Officer, and his name was restored in error for reasons that were unclear, there was no remedy available to restore his name to the subject title area.

**LEE Title Areas:**

. . . Title areas you may select include the following:

1. Municipal Police Officer  
County Police Officer  
Park Police Officer  
Campus Police Officer Recruit\*  
Police Officer Recruit Human Services\*  
Police Officer Palisades Interstate Park\*
2. Sheriff's Officer
3. County Correction Officer
4. Correction Officer Recruit, Juvenile Justice Commission\*  
\* State Title

\* \* \*

**LEE Eligible Pool:**

The pool of eligible candidates that results from this examination will be valid for a minimum of two years and will be used to fill positions in all jurisdictions covered under Civil Service for the title areas selected. If you are appointed to a position, your name will be removed from the pool of eligible candidates for that title area only. That is, you will no longer be eligible for appointment to another position. However, if you selected more than one title area, you will remain eligible for position associated with title areas other than the one to which you were appointed.

**CONCLUSION**

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. The instant request for reconsideration is based on the presentation of new evidence and new arguments not previously presented. However, a review of the record in the instant matter reveals that reconsideration is not justified.

In the instant matter, the petitioner now certifies that she was told by the now current Police Chief Nettleton and other employees of Pennsauken, *prior* to her accepting employment with Camden County, that her name would not be removed

from the eligible list for Pennsauken if she accepted Camden County's offer of employment. However, in the prior matter, both the petitioner and Nettleton indicated that they spoke *after* her name did not appear on the certification for Pennsauken and *after* she had already been appointed by Camden County. Neither the petitioner nor Nettleton indicated that they spoke prior to her appointment to County Police Officer, nor did she indicate that she spoke with other employees of Pennsauken prior to her accepting the employment. Moreover, at the time of her appointment to County Police Officer, the Police Chief was John Coffey and agency records indicate that Nettleton was not appointed to Police Captain until December 1, 2017, after the disposition for the certification (OL170441) for County Police Officer (S9999U), Camden County was recorded on November 22, 2017. Additionally, in her instant request, she presents no statements from any employee of Pennsauken, including Nettleton or the former Police Chief Coffey in support of her argument. Furthermore, the petitioner provides no explanation as to why this information was not submitted in the prior matter. *N.J.A.C.* 4A:2-1.6(b) provides in pertinent part, that a party must present new evidence or additional information not presented at the original proceeding which would change the outcome of the case *and* the reasons that such evidence was not presented at the original proceeding.

The petitioner also reiterates her argument that this agency never advised candidates that County Police Officer and Municipal Police Officer were in a single title area, and that appointment to one title would remove a candidate from all Police titles. However, the announcement for the 2016 LEE indicated under the requirement section that “[b]efore proceeding, you **MUST** [click here](#) and read the 2016 Law Enforcement Examination Fact Sheet” (emphasis in original). The Fact Sheet specifically stated that Municipal Police Officer, County Police Officer, Park Police Officer, Campus Police Officer Recruit, Police Officer Recruit Human Services and Police Officer Palisades Interstate Park were all considered a single title area. Moreover, the fact sheet also stated that “[i]f you are appointed to a position, your name will be removed from the pool of eligible candidates for that title area only.” Thus, the candidates were provided notice that the title area included both County and Municipal Police Officer titles and that appointment for one title would remove the candidate from the title area.

With regard to the petitioner's claims of disparate treatment, the Commission does not agree that the record evidences that the petitioner was treated differently for an improper reason. In this regard, agency records indicate that the petitioner was not certified to any other jurisdiction other than Camden County for any title. The Commission notes that no eligible is removed from an eligible list until this agency approves and records the disposition of a certification. Therefore, if an eligible's name appears on another certification for another jurisdiction prior to the recording of a removal, that individual may still be appointed from a different certification. This is the case with A.P. who was certified

to Camden County on April 10, 2018 (OL180343) for the title of County Police Officer and was also certified to Lindenwold Borough on August 17, 2018 (OL180860) for the title of Police Officer (S9999U). As A.P. was certified to Lindenwold prior to the disposition of the OL180343 certification being recorded on October 1, 2018, then like any similarly situated eligible, A.P. could also be appointed from the OL180860 certification for Lindenwold. With regard to T.S., although it is unclear as to why T.S.'s name remained on or was restored to the title area for Police Officer, this error was not discovered until he appealed his removal from the April 10, 2018 certification (OL180343) for County Police Officer (S9999U), Camden County, after he had already been certified to Lindenwold. Therefore, as the Commission did not restore A.P. or intentionally restore T.S. to the subject title area, their appointments do not demonstrate that the petitioner was treated differently than those individuals.

With regard to S.B., the petitioner correctly notes that his name was restored to the subject eligible list for the title area of Police Officer after his appeal. However, unlike the petitioner, S.B. was certified to Camden County and Voorhees on or around the same date. The Police Chief for Voorhees indicated in support of his appeal that he had repeatedly assured S.B. that his acceptance of an offer by Camden County would not affect his chance of employment with Voorhees. Specifically, the Police Chief stated that he had advised S.B. to accept the position with Camden County if offered as S.B. would not be reachable on the OL170467 certification and that Voorhees would be willing to pay for his training costs incurred by Camden County. Although the petitioner now claims that she was told prior to appointment by Camden County that it would not affect her ability to be considered for employment by Pennsauken, she provides no statements from any individual in Pennsauken which supports her assertion. Moreover, as noted above, she provides no explanation as to why this information was not previously presented to the Commission. Therefore, the denial of her appeal was not evidence of disparate treatment by the Commission as, by the petitioner and Nettleton's statements to the Commission *at that time* established that she was not similarly situated to S.B. Accordingly, she has failed to present a sufficient basis for reconsideration of the Commission's prior decision.

However, *N.J.A.C. 4A:4-5.5(a)* provides that an employee who, either during or at the end of a working test period, resigns in good standing or is separated due to unsatisfactory performance may, upon request, be restored to an eligible list, if the Chairperson or designee determines that the employee is suitable for appointment to another position.

1. The Chairperson or designee may consider:
  - i. Whether the list can be certified to another appointing authority;

- ii. The recommendation of the employee's former appointing authority; and
  - iii. Any other relevant factors.
2. Any employee who has been removed for disciplinary reasons shall not be restored to an eligible list.
  3. Any employee who has filed an appeal pursuant to *N.J.A.C. 4A:2-4* shall have his or her request for restoration held in abeyance pending the appeal.

Therefore, as the record establishes that the petitioner resigned in good standing, effective January 26, 2019, and the S9999U eligible list for the Police Officer title area can be certified to other appointing authorities, it is appropriate to her restore her name to the subject eligible list for the title area of Police Officer for future employment opportunities only.

**ORDER**

Therefore, it is ordered that this request for reconsideration be granted in part and Megan Watts' name be restored to the LEE (S9999U) eligible list for the title area of Police Officer, for future employment opportunities only.

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 31ST DAY OF JULY, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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Attachment



c: Megan Watts  
James Katz, Esq.  
John Kneib  
Kelly Glenn



STATE OF NEW JERSEY  
FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Megan Watts, Police  
Officer (S9999U), Pennsauken  
Township

Administrative Appeal

CSC Docket No. 2019-1301

ISSUED: April 22, 2019 (SLD)

Megan Watts requests that her name be restored to the S9999U Entry Level Law Enforcement Examination (LEE) for all police titles, and that her name be added to the October 9, 2018 certification (OL181073) for Police Officer (S9999U), Pennsauken Township.

By way of background, the appellant applied for the LEE which had a closing date of August 31, 2016. The LEE included the following titles and some bilingual variants: Municipal Police Officer; Campus Police Officer Recruit; County Police Officer; Park Police Officer; Police Officer Recruit, Human Services; Police Officer, Palisades Interstate Park; Sheriff's Officer; County Correction Officer; and State Correction Officer Recruit, Juvenile Justice. The resulting eligible pool list of 26,283 eligibles promulgated on March 29, 2017 and expires on March 30, 2020.

The appellant was certified on April 10, 2017 (OL170441) to Camden County for the title of County Police Officer. Camden County returned the certification, indicating that the appellant received a regular appointment to the title of County Police Officer, effective August 10, 2017. As a result of this appointment, the appellant's name was removed from the pool of eligibles for all police officer titles as they were considered a single title area. See *N.J.A.C.* 4A:4-4.7(h).

In her October 23, 2018 appeal, the appellant maintains that although she is employed as a County Police Officer in Camden County, it was always her goal to become a Police Officer in Pennsauken Township. She asserts that she had recently been made aware that Pennsauken had received a certification for the title of Police

Officer and her name did not appear on the certification. The appellant contends that she contacted the Pennsauken Police Chief, who indicated that it was his opinion that her appointment by Camden County should have no impact on her status with regard to Pennsauken. However, she maintains that it was subsequently discovered that her name was removed from the eligible list for Pennsauken without any notice. The appellant argues that if she had been aware that her name would have been removed, she would have not accepted the position with Camden County. Therefore, she requests that her name be restored to the subject eligible list and her name added to the October 9, 2018 certification (OL181073) for Police Officer (S9999U), Pennsauken.

In support, Pennsauken Police Chief, John Nettleton, Jr., notes that the appellant is a fully trained police officer who is employed by another jurisdiction. He maintains that after she contacted him about her name not being on the Pennsauken certification, he was informed that this agency made a decision to change the title area for Police Officer, to include all police titles. Therefore, previous to the S9999U list, candidates who were hired as County Police Officers remained on the eligible list for Municipal Police Officers. He maintains that this change was made with no notice to candidates or appointing authorities and as a result, he had given advice to several candidates, including the appellant, based on the previous policy which resulted in their names being removed from the Police Officer eligible list. Therefore, he requests that the appellant's name be restored and added to the October 9, 2018 certification (OL181073) for Police Officer (S9999U), Pennsauken.

## CONCLUSION

Civil Service regulations provide that in announcing open-competitive examinations, this agency may provide a single application for several announcements and/or title areas (such as police, sheriff, corrections, and bilingual). *See N.J.A.C. 4A:4-2.3(c)*. Further, when an eligible has received a regular appointment from a certification of a pool of eligibles, the eligible shall be removed from the pool of eligibles for that title area only. *See N.J.A.C. 4A:4-4.7(h)*. Prior to the promulgation of the 2016 LEE (S9999U), it was determined that the six police officer titles, including Municipal Police Officer, constituted a single, police officer title area. Thus, eligibles who were appointed to any police title had their names removed from the pool of eligibles for the police officer title area after their regular appointments were recorded by this agency. Therefore, as the appellant received a regular appointment to the title of County Police Officer, effective August 10, 2017, her name was properly removed from the police title area of the subject eligible list. With regard to the appellant's argument that she received incorrect information regarding the impact her accepting the appointment with Camden County would have on her eligibility for Pennsauken, the Civil Service Commission (Commission)

notes that no vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 N.J. Super. 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 N.J. 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 N.J. Super. 538 (App. Div. 1998). Consequently, the appellant's removal from the pool of eligibles for the police title area was appropriate. Further, the Commission notes that there is nothing prohibiting the appellant or Pennsauken from exploring an intergovernmental transfer pursuant to N.J.A.C. 4A:4-7.1A.<sup>1</sup> Finally, assuming she meets the eligibility requirements at the time of the announcement, there is nothing preventing the appellant from applying for the next LEE.

### ORDER

Therefore, it is ordered that these requests 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 APRIL, 2019

*Deirdre L. Webster Cobb*

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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c: Megan Watts  
John Kneib  
Kelly Glenn

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<sup>1</sup> It is noted that an intergovernmental transfer also requires the consent of the sending jurisdiction.