

STATE OF NEW JERSEY

In the Matter of Adam LaCicero, Police Sergeant, Borough of Lavallette

CSC Docket No. 2020-170

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: September 12, 2019 (RE)

The Division of Agency Services (Agency Services), on behalf of the Borough of Lavallette, requests that Adam LaCicero be provided with a retroactive regular appointment to the title of Police Sergeant, effective January 23, 2018.

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By way of background, LaCicero appeared as the first ranked eligible on the eligible list for Police Sergeant, Lavallette (PM0162S), which issued November 9, 2016 and will expire November 16, 2019. Due to an administrative error, the appointing authority failed to provisionally appoint LaCicero to Police Sergeant or to certify the eligible list. However, LaCicero had been promoted to Police Sergeant and was performing the duties of that title since January 23, 2018 following the passage of a resolution by the Borough Council. Lavallette has verified that LaCicero has been performing the duties of a Police Sergeant since that date and it desires to correct LaCicero's employment record. Agency Service recommends a retroactive appointment for LaCicero in the title Police Sergeant.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that the Commission may order a retroactive appointment date due to an administrative error, administrative delay or other good cause.

In the instant matter, there is no basic factual dispute but, rather, the central issue involves providing a retroactive regular appointment to the title of Police Sergeant, effective January 23, 2018, for LaCicero. He has been performing

the duties of Police Sergeant since January 23, 2018 and he is reachable under the "rule of three" in accordance with N.J.A.C. 4A:4-4.8. However, due to an administrative error, Lavallette did not request a certification at the time it approved LaCicero for promotion. Under these circumstances, LaCicero should receive a regular appointment retroactive to January 23, 2018, and he shall be considered to have commenced his working test period on January 23, 2018.

ORDER

Therefore, it is ordered that the request be granted, and LaCicero be provided with a regular appointment as Police Sergeant, effective January 23, 2018. LaCicero's personnel record should be amended in accordance with this decision.

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 10th DAY OF SEPTEMBER, 2019

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Chairperson

Civil Service Commission

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