



STATE OF NEW JERSEY

In the Matter of Michael Lorenc, *et al.*, Police Sergeant (PM5124N), Township of Lakewood

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket Nos. 2020-1006, *et al.*

Administrative Appeal

ISSUED: January 30, 2020 (JH)

The Division of Agency Services (Agency Services), on behalf of Lakewood, requests that Michael Lorenc, Michael Marzocca, Michael Young and Peter La Rosa be assigned retroactive appointment dates to the Police Sergeant title.

By way of background, the eligible list for Police Sergeant (PM5124N), Lakewood, promulgated on August 7, 2014 with the names of 36 eligibles and expired on May 23, 2018.¹ Lorenc, Marzocca, Young and La Rosa appeared at ranks 7, 8, 9 and 10, respectively, on the subject eligible list. Effective February 6, 2015, the first certification was issued from the PM5124N eligible list (Certification No. PL150156). In disposing of PL150156, which contained the names of the first six eligibles, Lakewood appointed all six effective February 6, 2015. Effective March 3, 2016, a second certification was issued (Certification No. PL160283). In disposing of PL160283, which contained the names of the eligibles who appeared at ranks 7 through 13, Lakewood appointed the eligibles who appeared at ranks 7 through 10 effective March 10, 2016.

In its request, Agency Services indicates that the Township appointed Lorenc as a Police Sergeant on October 4, 2015, and Marzocca, Young and La Rosa on December 18, 2015. However, due to administrative error, the appointing authority failed to request certifications at time of their promotions. Agency Services notes

¹ It is noted that the initial expiration date of the PM5124N list, August 6, 2017, was extended one year. See N.J.A.C. 4A:4-3.3(b)1. The subsequent Lakewood Police Sergeant eligible list, PM0819V, was promulgated on May 24, 2018.

that Lorenc has been performing the duties of a Police Sergeant since October 4, 2015 and Marzocca, Young and La Rosa since December 18, 2015. In support of its request, Agency Services attaches additional documentation including Township payroll records which indicate that Lorenc received a promotion on October 4, 2015 and Marzocca, Young and La Rosa on December 18, 2015; and Township Committee meeting minutes of December 17, 2015, which include a Police Promotions and Award page on the bottom of which indicates:

Promotions

Sgt Mike Lorenc
 Mike Marzocca
 Mike Young
 Pete LaRosa

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).

In the instant matter, the record establishes that the appointing authority intended to promote Lorenc to Police Sergeant effective October 4, 2015, and Marzocca, Young and La Rosa on December 18, 2015, as evidenced by Township payroll records and the Township Committee meeting minutes of December 17, 2015. However, due to administrative error, the appointing authority did not request certifications. Nevertheless, had the appointing authority requested certifications at that time, Lorenc, Marzocca, Young and La Rosa would have been reachable for appointment. Under these circumstances, good cause has been presented to revive the Police Sergeant (PM5124N), Lakewood list to effectuate the regular appointments of Lorenc, Marzocca, Young and La Rosa. Furthermore, the appointing authority verifies that Lorenc, Marzocca, Young and La Rosa have been serving as Police Sergeants since October 4, 2015 and December 18, 2015, respectively. Therefore, based on the foregoing, it is appropriate to grant retroactive dates of permanent appointment to the Police Sergeant title to Lorenc effective October 4, 2015, and to Marzocca, Young and La Rosa effective December 18, 2015, for seniority and record keeping purposes.

