



STATE OF NEW JERSEY

In the Matter of Mark Tricocci, Entry
Level Law Enforcement Examination
(S9999A)

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

CSC Docket No. 2020-2628

Administrative Appeal

ISSUED: JULY 2, 2021 (JH)

Mark Tricocci requests relief regarding the 2019 Entry Level Law Enforcement Examination (S9999A). It is noted that the appellant passed the subject test with a final average of 96.730 and appeared at rank 3035.

By way of background, the announcement for the subject examination was issued on July 1, 2019 with closing date of August 31, 2019. A review of the record indicates that on July 29, 2019, the appellant filed an application on which he listed a Runnemede address but indicated a Lower Township residency. On appeal, Tricocci explained that while he lives in Runnemede, he was “working at Cape May [(Lower Township)] during the summer and a full time officer was helping me fill out the application and he inadvertently hit Lower Township instead of Runnemede.” In support of his appeal, Tricocci provided additional documentation dated during the filing period that was addressed to the Runnemede address provided on his application. Therefore, the Division of Agency Services (Agency Services) agreed to change Tricocci’s residency code from Lower Township to Runnemede. However, due to operational delays related to the COVID-19 emergency, his residency code was not updated immediately. During this time frame early in the pandemic, Tricocci’s name was certified to (Certification No. OL200548) for Police Officer Lower Township.¹ In disposing of the certification, which was returned on January 5, 2021, the appointing

¹ It is noted that while Tricocci’s record currently indicates his residency code as Runnemede, it is not clear from the record when this change was entered. However, it appears that this change occurred after June 23, 2020 when the certification to Lower Township was issued.

authority requested the removal of Tricocci's name on the basis that he failed to respond to the certification notice. As a result, his name was removed from the pool of eligibles for the Police Officer title area. *See* 4A: 4A:4-4.7(a)6 and *N.J.A.C.* 4A:4-4.7(g).

On June 10, 2021, a certification (Certification No. OL210525) for Police Officer (S9999A), Runnemedede was issued. However, given that the appellant's name had been removed from the pool of eligibles for the Police Officer title area, his name does not appear on this certification. In other words, the operational delay related to COVID-19 resulted in Tricocci's residency code not being immediately updated. As such, his name should not have been certified to Lower Township and he should not have been removed from the Police Officer title area from the S99999A eligible list. Had this not occurred, his name would have appeared on certification OL210525, Runnemedede.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible may be removed from an eligible list for non-compliance with the instructions listed on the notice of certification. *N.J.A.C.* 4A:4-4.7(g) provides that when the Commission has accepted a single application for one or more law enforcement title areas, pursuant to *N.J.A.C.* 4A:4-2.3(c), an eligible whose name has been removed from the pool of eligibles for one jurisdiction or title area for cause shall be removed from the pool of eligibles for any other jurisdiction or title area. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, had the appellant's residency code been immediately updated, his name would not have been placed on the certification for Police Officer (S9999A), Lower Township (OL200548). Furthermore, the appellant was contacted regarding this matter and indicated that he did not receive the certification notice from Lower Township. Even assuming that he had, given that he was aware that his residency code was being changed to Runnemedede, he may not have reason to believe that his response was necessary or that his failure to respond to the certification issued to Lower Township would remove his name from the Statewide eligible list.

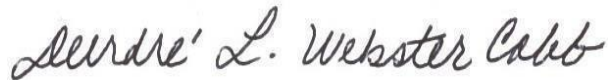
While this agency acted in good faith in addressing this matter, due to the operational delays as a result of the COVID-19 pandemic, and there is no evidence of error, Tricocci should be held harmless. Therefore, good cause exists to restore the appellant's name to the S9999A eligible list and to add his name to the June 10, 2021 certification (OL210525) for Police Officer (S9999A), Runnemedede.

ORDER

Therefore, it is ordered that this request be granted and the appellant's name be restored to the S9999A eligible list and his name be added to the June 10, 2021 certification (OL210525) for Police Officer (S9999A), Runnemedede. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other proceeding.

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 30TH DAY OF JUNE, 2021



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