



STATE OF NEW JERSEY

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

In the Matter of Omar Diaz
et al., Promotional Police titles,
Newark

CSC Docket Nos. 2022-388 *et al.*

Administrative Appeals

**ISSUED: SEPTEMBER 24, 2021
(RE)**

The Division of Agency Services (Agency Services), on behalf of the City of Newark (the City), requests retroactive regular appointments for various employees to the titles of Police Captain, Police Lieutenant, and Police Sergeant.

In its request, the appointing authority presents that all of the officers listed on “Attachment A” have been serving in their respective titles since the requested retroactive appointment dates. By way of background, the Newark Police Superior Officer’s Association (SOA) protested that the City had various personnel working in “acting” assignments, resulting in certifications for Police Captain, Police Lieutenant, and Police Sergeant in order to make regular appointments. The City explained that the Covid-19 pandemic presented challenges which resulted in a delay of recording appointments as they occurred, and subsequently requested retroactive appointments for three Police Captain candidates, twelve Police Lieutenants, and 27 Police Sergeants. Agency Services has reviewed these requests and found that all the concerned individuals were reachable for appointment on the requested retroactive effective dates. Therefore, Agency Services supports this request.

According to agency records, the Police Captain (PM1345U) eligible list promulgated on April 6, 2017 and expired on April 5, 2021. A certification of the eligible list was issued on September 25, 2020 and returned February 1, 2021, with three appointments, effective September 25, 2020, and one eligible, a non-veteran, was removed. Each of the three eligibles who were appointed were reachable for

appointment effective July 20, 2020 had the City requested a certification in a timely manner.

The Police Lieutenant (PM2013W) eligible list promulgated on March 14, 2019 and expires on March 13, 2022. A certification of this eligible list was issued on August 24, 2020, and 21 Police Lieutenants were appointed, with an effective date of August 24, 2020. Agency Services requested and received “Authorization to Appoint Lower-Ranked Eligible” (sign-off waiver) forms from higher-ranked eligible candidates to record the consent of those that were not appointed or that would have been bypassed within the rule of three. Each of the 13 “acting” Police Lieutenants would have been reachable for permanent appointment on their respective dates had the City requested certifications in a timely manner.

The Police Sergeant (PM2540W) eligible list promulgated on November 21, 2019 and expires on November 20, 2022. A certification of this eligible list was issued on August 24, 2020, and thirty Police Sergeants listed were appointed with an effective date of August 24, 2020. Each of the 27 “acting” Police Sergeants would have been reachable for permanent appointment on their respective dates had the City requested certifications in a timely manner.

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment has been made, a retroactive appointment date may be awarded due to an administrative error, administrative delay or other good cause, on notice to the affected parties. *N.J.A.C.* 4A:4-3.3(b) provides, in pertinent part, that promotional lists shall be promulgated for three years from the date of their establishment.

N.J.A.C. 4A:4-3.4(a) provides that the Commission may revive an expired eligible list to implement a court order in a suit filed prior to the expiration of the list; to implement an order of the Civil Service Commission in an appeal or proceeding instituted during the life of the list; to correct an administrative error; to effect the appointment of an eligible whose working test period was terminated by a layoff; or other good cause. *N.J.A.C.* 4A:4-1.10(c) provides that the Commission may order a retroactive appointment date for good cause.

CONCLUSION

In the instant matter, there is no basic factual dispute but, rather, the central issue involves an administrative error, wherein the appointing authority failed to request certifications in order to properly effectuate these appointments at the time they were made. The record establishes that all individuals have been performing the duties of their promotional positions since the requested retroactive dates. Thus, Agency Services supports the appointing authority’s request to grant retroactive dates of permanent appointment as listed in Attachment A. As such, good cause exists to revive the Police Captain (PM1345U) promotional list and

provide each individual a regular appointment retroactive respectively as listed. Moreover, since the appointing authority believes that they had permanently appointed these individuals, they should be considered to have successfully completed their working test periods. Lastly, the appointing authority is cautioned to request a certification of eligibles for every appointment.

ORDER

Therefore, it is ordered that the request be granted, and the individuals listed in Attachment A be provided with regular appointments, effective as listed. Their personnel records 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 22 DAY OF SEPTEMBER, 2021

Deirdre' L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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Attachment A

Omar Diaz	Police Captain	July 20, 2020	(CSC Docket No. 2022-388)
Luis Mendez	Police Captain	July 20, 2020	(CSC Docket No. 2022-389)
Celso Velez	Police Captain	July 20, 2020	(CSC Docket No. 2022-390)
Louis Ricca	Police Lieutenant	July 22, 2020	(CSC Docket No. 2022-384)
Jose Figueroa	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-383)
Andy Rivera	Police Lieutenant	July 9, 2020	(CSC Docket No. 2022-382)
Jobani Dumeng	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-381)
Rosa Carter	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-380)
Darlene Young	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-379)
Wyhidi Wilson	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-377)
Ricardo Vitorino	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-376)
Miguel Sanabria, Jr.	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-375)
Eddie Rios	Police Lieutenant	July 20, 2020	(CSC Docket No. 2022-374)
Neil Laurie	Police Lieutenant	September 2, 2019	(CSC Docket No. 2022-373)
Emanuel Miranda, Sr.	Police Lieutenant	September 2, 2019	(CSC Docket No. 2022-372)
Eric Santos	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-270)
Edward Santiago	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-271)
John Stutz	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-273)
Michael Walker	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-274)
Louis Wohltman	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-275)
Taray Tucker	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-277)
Ajeenah Mosley	Police Sergeant	March 30, 2020	(CSC Docket No. 2022-245)
Stephen Dellavalle, Jr.	Police Sergeant	March 30, 2020	(CSC Docket No. 2022-248)
Jeanette Burgos	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-249)
Anthony Ciarla	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-250)
Joel Cepeda	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-253)
Virginia Marrero	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-262)
Daniel Mendez	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-264)
Ruben Nazario	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-265)
Emanuel Pereira	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-266)
Carlos Rivas	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-268)
Barbara Rosario	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-269)
Josue Duran	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-285)
Ronald Soto	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-287)
Gustavo Dasilva	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-255)
Jacob Hernandez	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-258)
Rashad Jones	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-260)
Ronald Boyce	Police Sergeant	March 30, 2020	(CSC Docket No. 2022-243)
Peter Malave	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-261)
John Neves	Police Sergeant	March 30, 2020	(CSC Docket No. 2022-370)
David Dossantos	Police Sergeant	July 20, 2020	(CSC Docket No. 2022-484)
Mabelty Correa	Police Sergeant	March 30, 2020	(CSC Docket No. 2022-483)