



**STATE OF NEW JERSEY**

In the Matter of Christian LaCicero,  
Borough of Lavallette

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

CSC Docket No. 2022-756

Administrative Appeal

**ISSUED: JANUARY 21, 2022 (ABR)**

The Borough of Lavallette (Lavallette), represented by Eric M. Bernstein, Esq., requests a retroactive appointment date for Christian LaCicero, a Police Sergeant with Lavallette to May 5, 2014, based on administrative error. Lavallette also requests that Christian LaCicero be admitted to the promotional examination for Police Chief (PM4304C), Lavallette.

By way of background, Christian LaCicero was appointed to the title of Police Officer, effective February 14, 2005. Christian LaCicero appeared as the first ranked eligible on the Police Sergeant (PM2694L), Lavallette list, which promulgated on June 3, 2010 and was initially set to expire on June 2, 2013. Agency records indicate that the expiration date for the PM2694L list was subsequently extended. The subsequent eligible list for Police Sergeant (PM0162S), Lavallette promulgated on November 9, 2016 and expired on November 16, 2020.

Subsequently, an examination (PM4304C) for Police Chief, Lavallette was announced, which was open to applicants who possessed an aggregate of one year of continuous permanent service in the title of Police Sergeant as of the October 31, 2021 closing date. It is noted that Christian LaCicero has been conditionally admitted to the subject examination, which was administered on October 23, 2021.

In support of its request, Lavallette argues that Christian LaCicero's appointment to the title of Police Sergeant should be retroactively recorded, effective May 15, 2014 and that Christian LaCicero should be deemed eligible for the PM4304C examination. In this regard, it states that Christian LaCicero has been serving in the title of Police Sergeant since 2014. Specifically, it advises that, pursuant to a January

27, 2014 resolution, Christian LaCicero received an interim appointment to the title of Police Sergeant to fill a vacancy resulting from another Police Sergeant's injury. Lavallette states that it subsequently passed a resolution on May 5, 2014, permanently appointing Christian LaCicero to the title of Police Sergeant. Lavallette explains that it has been unable to locate documentation related to the PM2694L eligible list because many of its documents became lost or unavailable because of Superstorm Sandy and its aftermath, which flooded the Lavallette Police Department and Lavallette Borough Hall, and significantly disrupted its administrative operations. In addition, Lavallette advises that its offices were required to operate out of temporary trailers until late 2015, when the new Lavallette Borough Hall opened. Lavallette argues that, pursuant to the Civil Service law and rules, the Commission can correct any errors, recognize Christian LaCicero's appointment and admit him to the Police Chief (PM4304C), Lavallette examination and that the circumstances support this relief. Further, it notes that the Commission approved the retroactive appointment of another one of its employees to the title of Police Sergeant due to similar inadvertence or loss of documents in *In the Matter of Adam LaCicero* (CSC, decided September 10, 2019). Finally, the appointing authority submits a certification attesting to the foregoing.

### 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 May 5, 2014, for Christian LaCicero. Christian LaCicero has been performing the duties of Police Sergeant since January 27, 2014 and on May 5, 2014, Lavallette passed an ordinance to permanently appoint him to the title of Police Sergeant. The Police Sergeant (PM2694L), Lavallette eligible list was extended beyond its original June 2, 2013 expiration date and LaCicero was reachable on the PM2694L list 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 Christian LaCicero for promotion. Therefore, based on the foregoing, ample cause exists to grant Christian LaCicero a retroactive date of appointment to the title of Police Sergeant. As Christian LaCicero has completed his working test period as a Police Sergeant, his permanent appointment should be recorded as May 5, 2014.

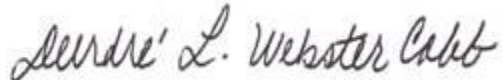
Finally, as Christian LaCicero is deemed to have been permanent in the Police Sergeant title since May 5, 2014, the Commission finds that he should be admitted to the Police Chief (PM4304C), Lavallette examination.

**ORDER**

Therefore, it is ordered that Lavallette's request be granted and Christian LaCicero be provided with a regular appointment as Police Sergeant, effective May 5, 2014. Christian LaCicero's personnel record should be amended in accordance with this decision. Additionally, it is ordered that Christian LaCicero be admitted to the promotional examination for Police Chief (PM4304C), Lavallette and that his examination be scored.

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 19<sup>TH</sup> DAY OF JANUARY, 2022



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