



STATE OF NEW JERSEY

In the Matter of Christian Ramirez,
Police Sergeant (PM0823V), Linden

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

CSC Docket Nos. 2023-569 and 2023-
791

Examination Appeal

ISSUED: November 23, 2022 (JH)

The Division of Agency Services (Agency Services), on behalf of Linden, requests that Christian Ramirez be assigned a retroactive appointment date to the Police Sergeant title. In addition, Christian Ramirez seeks his eligibility for the promotional examination for Police Lieutenant (PM4774D), Linden.

By way of background, the eligible list for Police Sergeant (PM0823V), Linden, promulgated on May 24, 2018 with the names of 27 eligibles and expired on May 23, 2022. Ramirez appeared at rank 11. Effective February 5, 2021, a certification was issued from the PM0823V eligible list (Certification No. PL210088).¹ In disposing of PL210088, which contained the names of the eligibles appearing at ranks 9 through 12, Linden appointed the ninth ranked eligible effective February 5, 2021 and the tenth ranked eligible effective March 1, 2021. Subsequently, on February 23, 2022, the last certification from the PM0823V eligible list was issued (Certification No. PL220217). In disposing of PL220217,

¹ It is noted that there were five prior certifications issued from the PM0823V list. Specifically:

Certification No.	Issue Date	Individuals appearing at ranks	Rank(s) appointed	Effective date of appointment
PL200036	January 6, 2020	1 through 3*	1	February 1, 2020
PL200512	May 12, 2020	3 through 5	3	June 1, 2020
PL200602	June 29, 2020	4 through 6	4	August 1, 2020
			5	September 1, 2020
PL200940	October 28, 2020	6 through 10	6	December 1, 2020
PL201062	December 3, 2020	8 through 10	8	December 16, 2020

* The name of the second ranked eligible was removed as he was appointed from another certification.

which contained the names of the eligibles appearing at ranks 11 through 14, Linden appointed Ramirez and the eligible appearing at rank 12 effective February 23, 2022.

In its request, Agency Services explains that Ramirez was promoted to Police Sergeant on August 1, 2021. However, due to administrative error, a certification of the PM0823V list was not requested until February 2022. It is noted that Linden indicates that Ramirez has been serving as a Police Sergeant since August 1, 2021, and has successfully completed a working test period. In support of its request, Agency Services submits additional documentation including a Personnel Committee Report dated July 20, 2021, indicating that it approved the “promotion of Detective Christian Ramirez to Sergeant effective August 1, 2021 . . .”.

In his appeal, Ramirez argues that he should be found eligible to take the Police Lieutenant ((PM4774D), Linden examination.

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 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 Ramirez’ name appeared on the eligible list for Police Sergeant (PM0823V), Linden as the eleventh ranked eligible. However, due to an administrative error, Linden failed to request a certification at the time it appointed Ramirez to Police Sergeant on August 1, 2021. Nevertheless, had a certification been issued at the time of Ramirez’ appointment, Ramirez would have been listed in the first certification position and thus, reachable for appointment. Furthermore, the appointing authority verifies that Ramirez has been performing Police Sergeant duties since August 1, 2021, and has successfully completed a working test period. Therefore, based on the foregoing, it is appropriate to grant a retroactive date of permanent appointment to Ramirez as Police Sergeant effective August 1, 2021, for seniority and record keeping purposes.

With respect to Ramirez’ eligibility for the Police Lieutenant examination, on July 1, 2022, the promotional announcement for Police Lieutenant (PM4774D), Linden, was issued and this examination was open to employees in the competitive

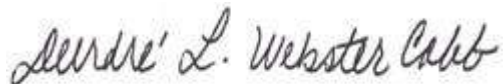
division who had an aggregate of one year of continuous permanent service in the title of Police Sergeant as of the September 30, 2022 closing date. It is noted that 19 individuals applied, including Ramirez.² Given that the available record at the time that eligibility was determined indicated that Ramirez was regularly appointed as a Police Sergeant in Linden, effective February 23, 2022, Agency Services determined that he lacked the required amount of permanent status in a title to which the examination was open as of the September 30, 2022 closing date. However, as noted previously, Ramirez has been serving as a Police Sergeant in Linden since August 1, 2021, could have been permanently appointed at that time and has been granted that appointment date in this decision. Thus, as of the September 30, 2022 closing date, he had completed the requisite one year period.

ORDER

Therefore, it is ordered that this request be granted and the permanent appointment of Ramirez to the Police Sergeant title be recorded as August 1, 2021, and all of his seniority based benefits be adjusted accordingly. It is also ordered that Ramirez be admitted to the promotional examination for Police Lieutenant (PM4774D), Linden.

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 23RD DAY OF NOVEMBER, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

² It is also noted that Ramirez was conditionally admitted to the PM4774D examination which was administered on October 6, 2022.

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