



STATE OF NEW JERSEY

In the Matter of Jeffrey Perez, Police
Lieutenant (PM0756V), Willingboro
Township

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

CSC Docket No. 2022-573

Examination Appeal

ISSUED: JULY 5, 2022 (JH)

Jeffrey Perez appeals his appointment date to the Police Lieutenant title and seeks his eligibility for the promotional examination for Police Captain (PM4072C), Willingboro Township.

By way of background, the eligible list for Police Lieutenant (PM0756V), Willingboro Township, promulgated on March 8, 2018 with the names of seven eligibles and expired on March 7, 2022. Perez appeared at rank 6. Effective July 21, 2020, a certification was issued from the PM0756V eligible list (Certification No. PL200670). In disposing of PL200670, which contained the names of the eligibles appearing at ranks 4 through 7, Willingboro Township bypassed the individuals appearing at ranks 4 and 5 and appointed Perez effective October 2, 2020.

The announcement for the promotional examination for Police Captain (PM4072C), Willingboro Township issued on July 1, 2021 and open to employees in the competitive division who had an aggregate of one year of continuous permanent service and were serving in the Police Lieutenant title as of the September 30, 2021 closing date. At the time that eligibility determinations were made, Perez' available employment record indicated that he received a regular appointment to the Police Lieutenant title effective October 2, 2020. Accordingly, the Division of Agency Services determined that Perez lacked the required amount of permanent status in a title to which the examination was open. It is noted that two candidates, including the appellant, applied for the subject test.

On appeal, Perez indicates that on July 16, 2020, he was “interviewed for the position of Police Lieutenant for the Willingboro Twp. Police Department . . . Hours after my first interview I was interviewed a second time . . . by Director of Public Safety Kinamo Lomon and the Twp. Manager at the time, Sharon Rogers. Shortly after my second interview I was informed by Director Lomon that I was selected to be Lieutenant . . . and my appointment date was set to be September 4, 2020.” Perez presents that “while waiting for the approachment [*sic*] of my appointment date to begin my new position, it became apparent that the Twp. Manager Rogers was purposely delaying the appointment dates for two other recently promoted Sergeants and myself . . . Ms. Rogers made it clear that she would be using our promotional appointment dates as a bargaining chip during [contract] negotiations [with the Law Enforcement Supervisors Association (LESA)]. Ultimately, the other two Sergeants and I were appointed on October 2, 2020, however only after Ms. Rogers was put on leave by City Council on September 15, 2020 and subsequently resigned on October 15, 2020.” Perez explains that he “began Police Lieutenant training. . . on July 27, 2020 . . . Due to my pending transfer to either the CID Division or Patrol Division, I started to formally cross-train to be ready for either Lieutenant position.” Perez further explains that in the beginning of September 2020, Director Lomon informed him that he would be assigned to the Day Work Lieutenant position and began serving in that capacity on September 4, 2020. In support of his appeal, Perez submits additional documentation including: a Willingboro Police Department memorandum dated July 24, 2020 from Director Lomon to Township Manager Rogers in which Director Lomon recommends that Perez be appointed as Police Lieutenant effective September 4, 2020; and a Willingboro Township Interoffice Memorandum signed and dated July 24, 2020 indicating Perez’ salary increase in regard to his promotion to Police Lieutenant effective September 4, 2020.

It is noted that the appointing authority was contacted regarding this matter and indicated that based on “our internal research conducted on behalf of Mr. Perez, his written appeal is factual and correct. The actions of a former Township Manager caused an unjustifiable delay in his promotion to Lieutenant.” The appointing authority requests that the appellant be admitted to the Police Captain 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 in disposing of PL200670, Perez could have been permanently appointed as of September 4, 2020. Furthermore, the appointing authority verifies that the information in Perez' appeal, including that the appellant has been performing Police Lieutenant duties since September 4, 2020, is factual and correct. Therefore, based on the foregoing, it is appropriate to grant the appellant a retroactive date of permanent appointment as Police Lieutenant effective September 4, 2020, for seniority and record keeping purposes.

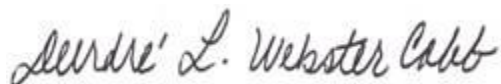
With respect to Perez' eligibility for the Police Captain examination, as noted previously, Perez has been serving as a Police Lieutenant in Willingboro Township since September 4, 2020. Thus, as of the September 30, 2021 closing date, he had completed the requisite one year period.

ORDER

Therefore, it is ordered that this request be granted and Certification No. PL200670 be amended to record Perez' permanent appointment to the Police Lieutenant title effective September 4, 2020 and all of his seniority based benefits be adjusted accordingly. It is also ordered that Perez be admitted to and scheduled for a make-up for the Police Captain (PM4072C), Willingboro Township promotional examination.

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 29TH DAY OF JUNE 2022



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