



names of the eligibles who appeared at ranks 8 through 10, South Orange appointed the eligible appearing at rank 8 effective June 14, 2021.

In its request, the appointing authority indicates that “South Orange is currently undergoing a significant amount of transition, both our Police Department and our Administration.” In this regard, the appointing authority explains that when Police Chief Ernesto Morillo was appointed on March 31, 2022,<sup>3</sup> his top priority was to address the shortage of officers in the department and he “was well aware that we had officers working as Sergeants to address the shortage of supervisors, however, he also understood that we could not promote until we backfilled the shortage of officers [pursuant to *N.J.S.A.* 11A:4-1.3] . . . A short staff was the ONLY REASON they were not promoted sooner, we cannot stress this point enough.” The appointing authority notes that the Chief “had every intention of promoting these officers to Sergeant[t], and was working toward backfilling the police department as quickly and responsibly as possible. The Mayor of the town was well aware and had approved the promotions as well as then Business Administrator Adam Loehner.” The appointing authority explains that Bryant and Lonero, “two of our most senior patrol officers, with 12 years and 22 years respectively,” were interviewed on May 13, 2022 and were advised of the intention to promote them to Sergeant. The appointing authority explains that during this time, then Business Administrator Loehner was being interviewed by other municipalities and at the end of May, he announced that he had accepted another job effective July 1, 2022. The appointing authority presents that given that Loehner was in transition, he did not submit a timely certification request. The appointing authority emphasizes that Bryant and Lonero “have gone above and beyond and have performed their duties as Sergeants admirably. To take away a promotion they have earned due to these circumstances would simply not be fair to them.”

## CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an expired eligible list may be revived under the following circumstances: 1. To implement a court order, in a suit filed prior to the expiration of the list; 2. To implement an order of the Civil Service Commission in an appeal or proceeding instituted during the life of the list; 3. To correct an administrative error; 4. To effect the appointment of an eligible whose working test period was terminated by a layoff; or 5. For other good cause. *See N.J.S.A.* 11:4-6.

In the instant matter, the record establishes that the appointing authority had *bona fide* vacancies and intended to promote Bryant and Lonero to Police Sergeant prior to the May 23, 2022 expiration date of the PM0871V list. *See In the Matter of*

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<sup>3</sup> It is noted that a review of the record finds that to date, no certifications have been issued from the Police Chief (PM4453C), South Orange list which promulgated on February 17, 2022.

*William J. Brennan and Fire Lieutenant (PM1201T) and Fire Captain (PM1191T), Township of Teaneck* (MSB, decided April 9, 2003). However, due to administrative error, a request for certification was not submitted prior to the expiration date. Nevertheless, had the appointing authority requested a certification at that time, Bryant and Lonero would have been listed in the first and third positions on the certification, respectively, and reachable for appointment under *N.J.A.C. 4A:4-4.8*. Under these circumstances, good cause has been presented to revive the Police Sergeant (PM0871V), South Orange list to permit the issuance of a single certification from the list in order to effectuate the regular appointments of Bryant and Lonero. It is noted that during the appeal process, South Orange was contacted regarding this matter and indicated that to date, Bryant and Lonero have not assumed the duties of a Police Sergeant. Accordingly, their appointment dates should be recorded as of the date that they actually begin to perform Police Sergeant duties.

### ORDER

Therefore, it is ordered that this request be granted and the Police Sergeant (PM0871V), South Orange eligible list be revived in order to permit the issuance of a single certification from the list in order to effectuate the permanent appointments of Bryant and Lonero to the Police Sergeant title.

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 21<sup>ST</sup> DAY OF SEPTEMBER, 2022

*Dolores Gorczyca*

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Dolores Gorczyca  
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