



STATE OF NEW JERSEY

In the Matter of John Catron, *et al.*,
Police Sergeant (PM0799V), Freehold
Township

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

CSC Docket Nos. 2022-3125, *et al.*

Administrative Appeal

ISSUED: September 21, 2022 (JH)

Freehold Township requests that the list for Police Sergeant (PM0799V), Freehold, be revived in order to effectuate the appointments of John Catron, Jack Mandala and Jimmy Santiago.

By way of background, the subject list, which contained the names of 17 eligibles, promulgated on May 24, 2018 and expired on May 23, 2022.¹ Catron, Mandala and Santiago appear at ranks 7, 8 and 9, respectively, on the subject eligible list. Effective August 24, 2021, the fourth and last certification² was issued from the PM0799V eligible list (Certification No. PL210935). In disposing of PL210935, which contained the names of the eligibles who appeared at ranks 6 through 10, Freehold appointed the eligible appearing at rank 6 effective October 1, 2021.

¹ It is noted that the initial expiration date of the PM0799V list, May 23, 2021, was extended one year. See *N.J.A.C.* 4A:4-3.3(b)1. The subsequent Police Sergeant (PM4550C), Freehold Township, eligible list has not promulgated to date.

² Effective January 7, 2020, the first certification was issued from the PM0799V eligible list (Certification No. PL200043). In disposing of PL200043, which contained the names of the first five eligibles, Freehold appointed the first ranked eligible effective February 1, 2020. The second certification was issued effective June 29, 2020 and contained the names of the eligibles appearing at ranks 2 through 4 (Certification No. PL200608). In disposing of PL200608, Freehold appointed the second ranked eligible effective June 29, 2020. Effective January 22, 2021 the third certification was issued, which contained the names of the eligibles appearing at ranks 3 through 10 (Certification No. PL210047). In disposing of PL210047, Freehold appointed the eligibles appearing at ranks 3 through 5 effective March 1, 2021.

In its request, Freehold indicates that it “recently experienced an investigation of several offices by the Monmouth County Prosecutor[']s Office that, upon its completion, will require several promotions to Sergeant . . . However, that investigation took longer than expected and the findings, as they come clear, exceeded the expiration date of the current [list], leaving the Township with an inability to promote to Sergeant.” Freehold presents that “this is an administrative error on the part of the Township, but if we had requested a certification, we would have needed to make an appointment and because of the investigative delay, we were not certain that we ultimately would have had a vacancy.” Freehold further explains that the charges involving the officers “and the ensuing possibility of litigation have confirmed that we should have certified a list [in April or May], which was, in light of current events, a poor decision, but one that would have been difficult to foresee.” Freehold argues that provisionally appointing Catron, Mandala and Santiago as Police Sergeants “would only serve to do more harm to the Department, if those individuals cannot be reached for appointment on a new list, and would need to returned to [the] Police Officer title at a later date. However, as you can imagine, the Sergeant’s position is one of critical safety for both our Police Officers and the Public, and they provide on-the-street supervision.” Freehold notes that to date, the investigation is not completed and “the continued delays by the Prosecutor’s Office were so disruptive [to] the Township that we had to move forward on several vacancies, as we needed sergeants to preserve operational safety.” As such, Freehold indicates that although Catron, Mandala and Santiago “were ‘Officers in Charge (OIC)’ on many shifts, which is effectively sergeant’s duties, they did not wear the stripes until July 1, 2022,” when they were provisionally appointed as Police Sergeants.

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 appointing authority indicates that *bona fide* vacancies existed and it intended to promote Catron, Mandala and Santiago to Police Sergeant prior to the May 23, 2022 expiration date of the PM0799V list. *See In the Matter of William J. Brennan and Fire Lieutenant (PM1201T) and Fire Captain (PM1191T), Township of Teaneck* (MSB, decided April 9, 2003). However, due to delays caused by the investigation process and administrative error, a request for certification from the PM0799V list was not submitted prior to the expiration date. Nevertheless, had the appointing authority requested a certification at that time,

Catron, Mandala and Santiago would have been listed in the first, second and third positions on the certification, respectively, and reachable for appointment. Under these circumstances, good cause has been presented to revive the Police Sergeant (PM0799V), Freehold list to permit the issuance of a single certification from the list in order to effectuate the regular appointments of Catron, Mandala and Santiago. Furthermore, the appointing authority verifies that Catron, Mandala and Santiago have been serving as Police Sergeants since July 1, 2022. Therefore, based on the foregoing, it is appropriate, upon successful completion of a current working test period, to grant retroactive dates of permanent appointment to Catron, Mandala and Santiago as Police Sergeant effective July 1, 2022, for seniority and record keeping purposes.

ORDER

Therefore, it is ordered that this request be granted and the Police Sergeant (PM0799V), Freehold 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 Catron, Mandala and Santiago to the Police Sergeant title. It is further ordered that following the disposition of that certification, upon successful completion of a current working test period, Catron, Mandala and Santiago be granted retroactive dates of appointment effective July 1, 2022, and all of their seniority based benefits be adjusted accordingly.

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 21ST DAY OF SEPTEMBER, 2022

Dolores Gorczyca

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Presiding Member
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