



STATE OF NEW JERSEY

In the Matter of William DiGangi, *et al.*, Police Sergeant (PM0858V), Rahway

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

CSC Docket Nos. 2023-138, *et al.*

Administrative Appeal

ISSUED: September 21, 2022 (JH)

The City of Rahway requests that the list for Police Sergeant (PM0858V), Rahway, be revived in order to effectuate the appointments of William DiGangi, Kenneth Rengifo and Kevin Wronski.

By way of background, the subject list, which contained the names of 29 eligibles, promulgated on May 24, 2018 and expired on May 23, 2022.¹ DiGangi, Rengifo and Wronski appear at ranks 19, 20 and 21, respectively, on the subject eligible list. Effective July 22, 2021, the fifth and last certification² was issued from the PM0858V eligible list (Certification No. PL210750). In disposing of PL210750,

¹ It is noted that the initial expiration date of the PM0858V list, May 23, 2021, was extended one year. See *N.J.A.C.* 4A:4-3.3(b)1. The subsequent Rahway Police Sergeant eligible list, PM4631C, has not promulgated to date.

² Effective May 31, 2018, the first certification was issued from the PM0858V eligible list (Certification No. PL180761). In disposing of PL180761, which contained the names of the first six eligibles, Rahway appointed the first and second ranked eligibles effective July 1, 2018, and the third ranked eligible effective August 1, 2018. The second certification was issued effective March 18, 2019 and contained the names of the eligibles appearing at ranks 4 through 8 (Certification No. PL190338). In disposing of PL190338, Rahway appointed the fourth through sixth ranked eligibles effective April 16, 2019. Effective November 15, 2019, the third certification was issued, which contained the names of the eligibles appearing at ranks 7 through 13 (Certification No. PL191385). In disposing of PL191385, Rahway appointed the eligibles appearing at ranks 7 through 9 and 11 through 12 effective December 1, 2019. The fourth certification was issued effective December 2, 2019 and contained the names of the eligibles appearing at ranks 13 through 15 (Certification No. PL201054). In disposing of PL190338, Rahway appointed all eligibles effective January 1, 2021.

which contained the names of the eligibles who appeared at ranks 16 through 20, Rahway appointed the eligibles appearing at ranks 16 through 18 effective August 1, 2021.

In its request, Rahway explains that DiGangi, Rengifo and Wronski were provisionally appointed on July 1, 2022³ but they “should have been appointed on May 11, 2022, due to several unforeseen recent retirements and promotions, but unfortunately, they were not.” Rahway indicates that it “did not realize that the list expired on May 23, 2022. We thought the list would remain current until a new list of eligibles is released from the . . . [Police Sergeant (PM4631C), Rahway] examination administered on February 26, 2022.” Rahway further explains that “due to the urgency of the matter to fill the open positions so the Police Department can run efficiently, these 3 Police Officers have been designated as Acting Sergeants. It would be counterproductive to remove the 3 Police Officers once a new list of eligibles is released and permanent appointments can be made. This will create major problems in the rank and file, not to mention a demotion to the Acting Sergeants.” In support of its request, Rahway submits copies of Payroll Action forms signed and dated August 3, 2022 indicating that DiGangi, Rengifo and Wronski were provisionally appointed to the Police Sergeant title effective July 1, 2022.

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. 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 Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C.* 4A:4-1.10(c).

In the instant matter, the appointing authority indicates that *bona fide* vacancies existed due to unforeseen retirements and promotions and it intended to promote DiGangi, Rengifo and Wronski to Police Sergeant prior to the May 23, 2022 expiration date of the PM0858V 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 administrative error, a request for certification was not submitted prior to the expiration date. Nevertheless, had the

³ Rahway indicates that their provisional appointments were not recorded in the County and Municipal Personnel System (CAMPS) “due to the concern of causing an issue with the appeal process.”

appointing authority requested a certification at that time, DiGangi, Rengifo and Wronski 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 (PM0858V), Rahway list to permit the issuance of a single certification from the list in order to effectuate the regular appointments of DiGangi, Rengifo and Wronski. Furthermore, the appointing authority verifies that DiGangi, Rengifo and Wronski 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 DiGangi, Rengifo and Wronski 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 (PM0858V), Rahway 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 DiGangi, Rengifo and Wronski 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, DiGangi, Rengifo and Wronski 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

Dolores Gorczyca
Presiding Member
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Jacqueline Foushee, Business Administrator
William DiGangi (2023-138)
Kenneth Rengifo (2023-195)
Kevin Wronski (2023-196)
Agency Services
Records Center