



**STATE OF NEW JERSEY**

In the Matters of Matthew Costelow  
and Robert VanArsdale, Department  
of Environmental Protection

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

CSC Docket Nos. 2023-154 and  
2023-155

Administrative Appeals

**ISSUED: September 21, 2022 (DASV)**

The Department of Environmental Protection (DEP) requests that the appointment of Matthew Costelow and Robert VanArsdale to the title of State Park Police Officer Trainee be recorded, effective January 29, 2022 and August 14, 2021, respectively. Since these matters address similar issues, they have been consolidated herein.

By way of background, on February 4, 2021, Governor Philip D. Murphy signed into law P.L. 2021, chapter 7, section 1 (*N.J.S.A. 11A:4-1.3*). The law, in pertinent part, permitted the Civil Service Commission (Commission) to “exempt from the requirement to take [the Law Enforcement Examination (LEE)] for an entry-level law enforcement position a person who has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training [C]ommission.” The law took effect six months following its enactment, which was on August 4, 2021.<sup>1</sup>

It is noted that the recording of appointments under the new law has come to be known as the “Alternate Route Program,” and the Commission, as an agency, is tasked with the recording of the appointments so long as the candidate meets the specified criteria.

<sup>1</sup> Thereafter, *N.J.S.A. 11A:4-1.3* was amended by P.L. 2021, chapter 406, section 1 and, among other things, expanded the exemption to other law enforcement titles.

Against this backdrop, DEP requests retroactive appointments for VanArsdale and Costelow. It explains that VanArsdale and Costelow were appointed to the noncompetitive title of Security Officer on November 9, 2019 and March 27, 2021, respectively, and were provisionally appointed as State Park Police Officer Trainees effective March 14, 2020 and July 31, 2021, respectively, and then completed their police academy training and received certifications of completion from the Police Training Commission, dated February 12, 2021 and January 27, 2022, respectively. DEP submits copies of the certifications of completion. Thereafter, VanArsdale was appointed from the promotional eligible list for State Park Police Officer Trainee (PS4170G), DEP, effective October 9, 2021. It is noted that candidates for the State Park Police Officer Trainee title could be tested via the LEE. As for Costelow, he was appointed through the Alternate Route Program effective March 12, 2022. Agency records recorded Costelow's appointment as "RLW" – "regular appointment as a result of legislative action." Costelow was also certified from the State Park Police Officer Trainee (PS4170G), DEP, eligible list on May 16, 2022, but he was removed as he was "appointed outside of the certification process."

DEP maintains that, due to the relative newness of the law and its unfamiliarity of how the Alternate Route Program worked, VanArsdale and Costelow did not receive appointments in an expeditious manner as a result of its oversight. Thus, it submits that VanArsdale should have received an appointment as a State Park Police Officer Trainee and began his working test period on the first day of the pay period after the law took effect, which would have been on August 14, 2021. As for Costelow, DEP states that his appointment through the Alternate Route Program should have been recorded on the first day of the pay period after he successfully completed the police academy, which was on January 29, 2022. Accordingly, DEP requests that VanArsdale and Costelow receive retroactive appointments and they be considered to have commenced their working test period on those dates, respectively.

## CONCLUSION

*N.J.A.C. 4A:4-1.10(c)* states that when a regular appointment has been made, the Commission may order a retroactive appointment date due to administrative error, administrative delay, or other good cause, on notice to affected parties.

In the present matter, the administrative delay or oversight of DEP has provided good cause to grant VanArsdale and Costelow with retroactive appointment dates. Their appointments on August 14, 2021 and January 29, 2022, respectively, would clearly have been approved had DEP submitted their appointments for recording via the Alternate Route Program. The law at that time required that a person successfully complete a full Basic Course for Police Officers training course in order to be appointed without taking the LEE. VanArsdale and Costelow have done

just that and DEP has provided their certifications of completion issued by the Police Training Commission.<sup>2</sup> Indeed, Costelow's provisional status as a State Park Police Officer Trainee was terminated and he was given a regular appointment, effective March 12, 2022, as a result of the new law. Thus, good cause has been demonstrated to grant retroactive RLW appointments to VanArsdale and Costelow, effective August 14, 2021 and January 29, 2022, respectively.

Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date. However, in this case, it is also appropriate to consider the retroactive dates as the dates that VanArsdale and Costelow's working test period began. In that regard, *N.J.A.C. 4A:4-5.2(a)* in relevant part states that the working test period shall begin on the date of regular appointment. Since the Commission has granted regular appointments to VanArsdale and Costelow, and based on DEP's representation as set forth below, their working test period shall be considered to have commenced on August 14, 2021 and January 29, 2022, respectively.

By requesting such action, DEP has presented that VanArsdale has been successful in his working test period. Thus, his appointment is considered permanent, for seniority, salary step, and examination eligibility purposes. *See e.g., In the Matter of Winfred L. Christy, Police Officer (M1847M), Borough of Lindenwold (MSB, decided January 15, 2003)*. VanArsdale may advance to the State Park Police Officer title as he now has completed the 12-month training period for a State Park Police Officer Trainee, as well as the working test period for a law enforcement officer. *See N.J.A.C. 4A:4-5.2(d)*, which provides in part that persons appointed to entry level law enforcement titles shall serve a 12-month working test period. DEP and the Division of Agency Services may record VanArsdale's advancement to State Park Police Officer on the appropriate date, and VanArsdale would be entitled to differential back pay from that date to the present provided that he was performing the duties of a State Park Police Officer. If he was not, then the date of his advancement would be utilized for seniority and salary step purposes only. Moreover, he would have to begin serving a current working test period as a State Park Police Officer.

With regard to Costelow, he has not yet completed his trainee period or his working test period as a State Park Police Officer Trainee since his retroactive

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<sup>2</sup> The job specification for State Park Police Officer Trainee indicates that appointees must satisfactorily complete a Basic Police Training Course approved by the Police Training Commission during their 12-month training period as a State Park Police Officer Trainee. In the present matter, VanArsdale and Costelow completed the training course prior to their regular appointment to the State Park Police Officer Trainee title.

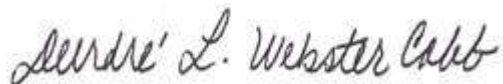
appointment date is effective January 29, 2022. However, if he successfully reaches the 12-month period, DEP and the Division of Agency Services are directed to record his advancement utilizing the January 29, 2022 date of appointment. Lastly, since both VanArsdale and Costelow were serving provisionally since August 14, 2021 and January 29, 2022, respectively, in the State Park Police Officer Trainee title, no differential back pay is warranted, except as noted for VanArsdale upon his advancement to State Park Police Officer provided that he was performing the duties of the title.

### ORDER

Therefore, it is ordered that this request be granted and the RLW appointments of Robert VanArsdale and Matthew Costelow to the title of State Park Police Officer Trainee be recorded, effective August 14, 2021 and January 29, 2022, respectively. It is further ordered that Matthew Costelow's advancement to State Park Police Officer be recorded in accordance with this decision.

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




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