



STATE OF NEW JERSEY

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

In the Matter of Joseph Grossi Jr.,
Hoboken

Acknowledgment of Settlement

CSC Docket No. 2023-962

ISSUED: February 1, 2023 (RE)

Hoboken petitions the Civil Service Commission (Commission) for a retroactive regular appointment for Joseph Grossi Jr., effective May 29, 2020, from the eligible list for Battalion Fire Chief (PM2153W), Hoboken.

By way of background, Joseph Grossi Jr. was permanently appointed to Battalion Fire Chief on July 1, 2022, after serving in an interim appointment in that title. The eligible list for Battalion Fire Chief (PM2153W), Hoboken was promulgated on October 3, 2019 and Grossi ranked first of nine. There were three certifications and the list expires on October 2, 2023. The first certification (PL200505) was issued on May 11, 2020, and Grossi and the second ranking candidate were bypassed as the third ranking candidate was appointed effective May 28, 2020. The second certification (PL220763) was issued on May 19, 2022, and Grossi was appointed from that certification with an effective date of July 1, 2022. Hoboken submitted a settlement agreement regarding a Superior Court matter to Agency Services in October 2022, which includes the regular appointment of Grossi to Battalion Fire Chief, effective May 29, 2020.

CONCLUSION

N.J.A.C. 4A:4-4.8(c), states, in pertinent part, that upon receipt of the certification, an appointing authority shall appoint one of the top three interested eligibles (rule of three) from an open competitive or promotional list, and shall notify the Commission of the disposition of the certification by the disposition due date. *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 an administrative error, administrative delay or other good cause, on notice to affected parties.

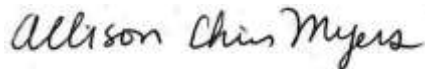
The policy of the judicial system strongly favors settlement. *See Nolan v. Lee Ho*, 120 N.J. 465 (1990); *Honeywell v. Bubbs*, 130 N.J. Super. 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 N.J. Super. 472 (App. Div. 1961), *cert. denied*, 35 N.J. 61 (1961). This policy is equally applicable in the administrative area. A settlement will be set aside only where there is fraud or other compelling circumstances. *See Nolan, supra*. As no such circumstance is evident, and Grossi was reachable for appointment on certification PL200505, he can be regularly appointed from the eligible list for Battalion Fire Chief (PM2153W), Hoboken with a retroactive appointment date to May 29, 2020, for seniority purposes only. 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).

ORDER

Therefore, it is ordered that this request be granted, and Grossi be appointed from the Battalion Fire Chief (PM2153W), Hoboken eligible list retroactive to May 29, 2020 as a Battalion Fire Chief, for seniority purposes only, and his personnel record be amended 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 1ST DAY OF FEBRUARY, 2023



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