



STATE OF NEW JERSEY

In the Matter of Joseph Brandecker,
et al., Department of Human Services

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

CSC Docket Nos. 2023-1614, *et al.*

Administrative Appeals

ISSUED: May 3, 2023 (ABR)

The Department of Human Services (DHS) requests that the permanent appointments of Joseph Brandecker, Shawn Canada, Skylar Dixon, Derek Enriquez, Matthew Lewis and Steven Meckel to the title of Police Officer Recruit, Human Services be recorded, effective January 2, 2021.

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, 2021.¹

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.

¹ 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, DHS requests retroactive appointments for Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel. It explains that each was appointed to the noncompetitive title of Security Officer, effective March 28, 2020, and then completed their police academy training and received certifications of completion from the Police Training Commission. Specifically, Lewis received a certification dated June 14, 2021; Brandecker, Canada, Enriquez and Meckel received certifications dated July 14, 2021; and Dixon received a certification dated December 15, 2021. Thereafter, DHS appointed each to the title of Senior Police Officer, Human Services, effective January 1, 2022.

DHS states that Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel each completed their working test periods and obtained permanent status in the title of Security Officer. Upon obtaining their permanent status as a Security Officer, DHS immediately promoted them provisionally (PAP) to the title of Police Officer Recruit, Human Services, effective January 1, 2021, and requested a promotional examination. DHS presents that due to the COVID-19 pandemic, a promotional examination announcement was delayed, so it submitted a request to make them permanent under the Alternate Route Program. DHS advises that it took this step because subsequent hiring in the title of Police Officer Recruit, Human Services resulted in newer employees being placed right into their working test periods and becoming permanent in the title of Police Officer Recruit, Human Services prior to the six incumbents that are the subjects of the instant request. It avers that because these six incumbents are not responsible for this issue and it was the product of unintentional administrative error, they should not be penalized.

DHS has also indicated that Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel have all successfully completed working test periods in the titles of Police Officer Recruit, Human Services and Senior Police Officer, Human Services.

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, because *P.L. 2021, c. 7* did not take effect until August 4, 2021, the Alternate Route Program does not present a basis to effectuate retroactive appointment dates of January 1, 2021, for Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel. As Lewis received a certification dated June 14, 2021; Brandecker, Canada, Enriquez and Meckel received certifications dated July 14, 2021; and the first day of the first pay period after the law took effect was August 14, 2021, good cause exists to provide them with retroactive appointment dates of August 14, 2021. As to Dixon, because he did not complete his police academy training and receive a certification of completion from the Police Training Commission until

December 15, 2021, good cause exists to provide him with a retroactive date of December 18, 2021, the first day of the first pay period that followed.

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, the appellant received a later appointment date. However, in this case, it is also appropriate to consider the retroactive dates as the dates that Brandecker's, Canada's, Dixon's, Enriquez's, Lewis' and Meckel's working test periods 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 Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel, and based on DHS's representation as set forth below, Brandecker's, Canada's, Enriquez's, Lewis' and Meckel's working test periods shall be considered to have commenced on August 14, 2021, and Dixon's working test period shall be considered to have commenced on December 18, 2021.

DHS has presented that Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel have been successful in their working test periods in the titles of Police Officer Recruit, Human Services and Senior Police Officer, Human Services. Thus, their appointments are 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). Accordingly, DHS and the Division of Human Resource Information Services may record Brandecker's, Canada's, Dixon's, Enriquez's, Lewis' and Meckel's advancement to Senior Police Officer, Human Services on the appropriate date.²

ORDER

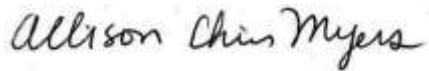
Therefore, it is ordered that this request be granted in part and the regular appointments of Joseph Brandecker, Shawn Canada, Derek Enriquez, Matthew Lewis and Steven Meckel to the title of Police Officer Recruit, Human Services be recorded, effective August 14, 2021, and that the regular appointment of Skylar Dixon to the title of Police Officer Recruit, Human Services be recorded, effective December 18, 2021. It is further ordered that Joseph Brandecker's, Shawn Canada's, Skylar

² It is noted that based upon the 12-month working test periods that Brandecker, Canada, Dixon, Enriquez, Lewis and Meckel would have had to serve after their respective dates of retroactive appointment to the title of Police Officer Recruit Human Services, they could not have advanced to the title of Senior Police Officer Recruit Human Services on January 1, 2022, as is presently shown in the Personnel Management Information System (PMIS). Therefore, there appears to have been a salary overpayment for the period between January 1, 2022, and the respective effective dates of Brandecker's, Canada's, Dixon's, Enriquez's, Lewis' and Meckel's advancements to the title of Senior Police Officer Human Services. As such, the appointing authority shall review whether any salary overpayments occurred and if so, ensure that it appropriately recovers any such overpayment.

Dixon's, Derek Enriquez's, Matthew Lewis' and Steven Meckel's advancement to Senior Police Officer, Human Services 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 3RD DAY OF MAY, 2023



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Acting Chairperson
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and
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c: Joseph Brandecker (2023-1614)
Shawn Canada (2023-1615)
Skylar Dixon (2023-1616)
Derek Enriquez (2023-1617)
Matthew Lewis (2023-1618)
Steven Meckel (2023-1619)
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