



**STATE OF NEW JERSEY**

In the Matter of Marco Rovelo, Police  
Captain, North Bergen

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

CSC Docket No. 2023-1864

Administrative Appeal

**ISSUED:** October 11, 2023 (JH)

North Bergen, represented by Drew D. Krause, Esq., requests that the Civil Service Commission (Commission), acknowledge a settlement agreement which provides for the retroactive appointment of Marco Rovelo to Police Captain.

By way of background, the eligible list for Police Captain (PM1311T), North Bergen, which promulgated on April 21, 2016 and expired on April 20, 2020, contained the names of four eligibles, in the following order: Marco Rovelo, Timothy Faranda, Thomas Ferrari and Christine Klag. The first and only certification of the PM1311T eligible list was issued on November 15, 2016 (Certification No. PL161353) on which Rovelo appeared at the second certification position.<sup>1</sup> In disposing of Certification No. PL161353, North Bergen appointed the eligible appearing at the first certification position effective December 12, 2016. However, in September 2019, Rovelo initiated an action in the Superior Court of New Jersey, Law Division, against the appointing authority. Subsequently, Rovelo and the appointing authority entered into a settlement which provides that “contingent upon revival of the [PM1311T] List by the Commission . . . the Township shall promote Rovelo to the rank of Police Captain. Said promotion shall take place within 7 days of the latter of the Commission reviving the [PM1311T] List and issuing any necessary certification to enable said promotion . . .” The terms of the settlement also provide that Rovelo will

<sup>1</sup> It is noted that the prior eligible list for Police Captain (PM1557R), North Bergen, promulgated on April 3, 2014, and was set to expire on April 2, 2017. At the time the PM1311T list promulgated on April 21, 2016, one eligible remained on the PM1557R list. As a result, this eligible’s name appeared in the first certification position on PL161353. See *N.J.A.C. 4A:4-3.3(e)* and *N.J.A.C. 4A:4-3.5*.

receive a retroactive appointment date one year prior to the date he is promoted.<sup>2</sup> Further, the settlement provides that Rovelo “will be paid for the collective negotiated salary differential between the rank of Lieutenant and Captain for the one year immediately prior to his promotion.”

## CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for administrative delay or for other good cause. Moreover, the policy of the judicial system strongly favors settlement. *See Nolan v. Lee Ho*, 120 *N.J.* 465 (1990); *Honeywell v. Bubb*, 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.*

In the present matter, the appointing authority submits a copy of the Stipulation of Dismissal Without Prejudice dated February 3, 2023, which acknowledges a settlement agreement between the parties. As the settlement agreement does not violate any Civil Service law or rules, the Commission finds a sufficient basis to acknowledge the settlement agreement between the parties. Moreover, good cause exists to revive the Police Captain (PM1311T), North Bergen eligible list and to appoint Rovelo with a retroactive appointment date effective one year prior to his regular appointment date for seniority purposes only.

## ORDER

Therefore, the Commission acknowledges the settlement agreement between the parties and orders that the Police Captain (PM1311T), North Bergen, eligible list be revived to provide Marco Rovelo with a regular appointment to the Police Captain title with a retroactive appointment date of one year prior to his regular appointment date.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

---

<sup>2</sup> In this regard, the settlement agreement provides the following example, “if Rovelo is promoted to Captain on August 15, 2023 . . . his promotion will be retroactively effective August 16, 2022.”

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 11<sup>TH</sup> DAY OF OCTOBER, 2023

*Allison Chris Myers*

---

Allison Chris Myers  
Chairperson  
Civil Service Commission

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

c:      Drew D. Krause, Esq.  
         Allen Pascual  
         Marco Roveló  
         Division of Agency Services  
         Division of Human Resource Information Services  
         Records Center