



**STATE OF NEW JERSEY**

In the Matter of Rodney Williams,  
Plainfield

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

CSC Docket No. 2024-1217

List Revival

**ISSUED:** February 7, 2024 (HS)

Plainfield, represented by John P. Harrington, Esq., requests that the eligible list for Battalion Fire Chief (PM2163W) be revived to effectuate Rodney Williams’s retroactive appointment.

As background, Williams, a non-veteran, took and passed the promotional examination for Battalion Fire Chief (PM2163W), which had a closing date of September 30, 2018. The resulting eligible list promulgated with the names of six eligibles, including Williams’s, on October 3, 2019 and expired on October 2, 2022. The first three certifications issued from the list resulted in the first five ranked eligibles receiving permanent appointments. Thereafter, a fourth and last certification consisting solely of Williams’s name was issued to the appointing authority on April 11, 2022 (PL220465) with his name being retained on the list. *See In the Matter of Rodney Williams* (CSC, decided March 15, 2023).

On August 26, 2021, Williams initiated a lawsuit against the appointing authority alleging that he was wrongfully not appointed from the PM2163W list. The parties reached a settlement, which provides, in relevant part, that Williams is to receive a retroactive appointment to the title of Battalion Fire Chief. The effective date would be May 2, 2023 or later, depending upon when the applicable contingencies are fulfilled.

## CONCLUSION

*N.J.S.A.* 11A:4-6 provides that the duration of an eligible list shall not be more than three years from the date of its establishment, except that it may be extended for good cause and a list shall not have a duration of more than four years. *N.J.A.C.* 4A:4-3.4(a) provides that an expired eligible list may be revived, among other reasons, to implement a court order, in a suit filed prior to the expiration of the list, and for other good cause.

In the instant matter, the parties reached a settlement agreement that effectively requires the Civil Service Commission (Commission) to revive and extend the Battalion Fire Chief (PM2163W) eligible list in order to effectuate Williams's retroactive appointment. 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*. As all other eligibles had previously been appointed, Williams would have been reachable for appointment on May 2, 2023. *See N.J.A.C.* 4A:4-4.8(a)3. Therefore, good cause has been established to revive the Battalion Fire Chief (PM2163W) list so that Williams may be regularly appointed to that title. Williams shall also be given a retroactive date of permanent appointment no earlier than May 2, 2023, but no later than October 2, 2023,<sup>1</sup> upon successful completion of a current working test period, for seniority-based purposes only.

## ORDER

Therefore, it is ordered that this request be granted and the eligible list for Battalion Fire Chief (PM2163W), Plainfield, be revived to effectuate the regular appointment of Rodney Williams. It is also ordered that upon successful completion of a current working test period, Williams receive a retroactive date of permanent appointment no earlier than May 2, 2023, but no later than October 2, 2023, for seniority-based purposes only. No further remedies are provided.

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

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<sup>1</sup> Since the PM2163W list promulgated on October 3, 2019 and the statutory maximum duration of the list is four years, Williams's retroactive date of permanent appointment can be effective no later than October 2, 2023.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 7<sup>TH</sup> DAY OF FEBRUARY, 2024

*Allison Chris Myers*

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Chairperson  
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