

**STATE OF NEW JERSEY**

In the Matter of Jacek Demczuk, *et al.*, Police Lieutenant (PM3891F), North Arlington

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

CSC Docket Nos. 2025-535, *et al.*

Administrative Appeal

ISSUED: April 9, 2025 (JH)

Jacek Demczuk, Patrick Fiume and Anthony Scala appeal the determinations of the Division of Agency Services (Agency Services) which found them ineligible for the promotional examination for Police Lieutenant (PM3891F), North Arlington. These matters have been consolidated due to common issues presented.

By way of background, the eligible list for Police Sergeant (PM4607C), North Arlington, containing 10 names, promulgated on October 20, 2022 and is set to expire on October 19, 2025. It is noted that Scala appears as the first ranked eligible, Fiume as the second and Demczuk as the third. It is noted that to date, no certifications have been issued from the PM4607C list.

On June 1, 2024, the promotional announcement for Police Lieutenant (PM3891F), North Arlington, was issued and this examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in the title of Police Lieutenant as of the August 31, 2024 closing date. Five individuals, including the appellants, submitted applications. Given that the available employment records for Demczuk, Fiume and Scala did not indicate appointments to the Police Sergeant title, Agency Services found them ineligible as they were not permanent in a title to which the examination was open.¹

On appeal, Scala and Fiume indicate that they were promoted to Police Sergeant on April 6, 2023, and Demczuk indicates that he was appointed on July 13,

¹ It is noted that the PM3891F examination was administered on October 8, 2024. It is further noted that the appellants were conditionally admitted to the subject test pending resolution of this matter.

2023, and thus, they meet the one year in grade requirement. In support of their appeals, they provide additional documentation including copies of North Arlington Resolution R-75-23 dated April 6, 2023, which indicates that effectively immediately, Scala and Fiume were promoted to Police Sergeant; and North Arlington Resolution R-118-23 dated July 13, 2023, which indicates that effectively immediately, Demczuk was promoted to Police Sergeant.

It is noted that the appointing authority was contacted regarding this matter and indicates that Scala, Fiume and Demczuk were appointed as Police Sergeants effective April 6, 2023 and July 13, 2023, respectively, as indicated in the above noted resolutions. The appointing authority further indicates that they “immediately assumed their positions and began performing Sergeant duties. Their job performance was outstanding and they successfully completed their working test period[s].” The appointing authority explains that “the people who were in charge of these matters are no longer here” and thus, it cannot offer any explanation as to why Civil Service “requirements were not properly executed.”

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment is made, the Civil Service Commission may order a retroactive appointment date “due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for tow particular situations. First, and pertinent to this matter, the Civil Service Commission has granted retroactive permanent appointment dates in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.

In the instant matter, the record establishes that Scala, Fiume and Demczuk appeared on the eligible list for Police Sergeant as the first, second and third ranked eligibles, respectively. However, due to administrative error, North Arlington failed to request a certification at the time it appointed the appellants. Furthermore, North Arlington indicates that Scala, Fiume and Demczuk have been performing Police Sergeant duties since April 6, 2023 and July 13, 2023, respectively. Therefore, based on the foregoing, ample cause exists to grant dates of permanent appointment to Scala and Fiume, effective April 6, 2023, and to Demczuk, effective July 13, 2023, as Police Sergeants.

With respect to the eligibility of Scala, Fiume and Demczuk for the Police Lieutenant (PM3891F), North Arlington promotional examination, as noted

previously, Scala and Fiume have been serving as Police Sergeants in North Arlington since April 6, 2023, and Demczuk since July 13, 2023. In addition, they could have been permanently appointed at that time and they have been granted these respective appointment dates in this decision. Thus, as of the August 31, 2024 closing date, they have completed the requisite one year period.

ORDER

Therefore, it is ordered that this request be granted and Scala and Fiume, effective April 6, 2023, and Demczuk, effective July 13, 2023, receive dates of permanent appointment to the Police Sergeant title. It is also ordered that Scala, Fiume and Demczuk be admitted to the promotional examination for Police Lieutenant (PM3891F), North Arlington and that their examinations be scored.

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 9TH DAY OF APRIL, 2025



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