

**STATE OF NEW JERSEY**

In the Matter of Matthew Murphy, *et al.*, Police Lieutenant (PM3856F),
Harrison

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

CSC Docket Nos. 2025-419, *et al.*

Administrative Appeal

ISSUED: April 9, 2025 (JH)

Matthew Murphy, Jamie Sackerman and Joseph Sloan appeal the determinations of the Division of Agency Services (Agency Services) which found them ineligible for the promotional examination for Police Lieutenant (PM3856F), Harrison. These matters have been consolidated due to common issues presented.

By way of background, the eligible list for Police Sergeant (PM4558C), Harrison, promulgated on October 20, 2022 and is set to expire on October 19, 2025. The following eight names appear on the PM4558C list, in rank order: Marc Silva, Albert Pearson, Matthew Murphy, Jamie Sackerman, Michael Gregory, Joseph Sloan, Patrick Triano and Kirk Zeta. The first certification of the PM4558C eligible list was issued on November 15, 2022 (Certification No. PL221649) and contained the names of the first four eligibles. In disposing of Certification No. PL221649, Harrison appointed Silva and Pearson effective December 12, 2022. The second certification of the PM4558C eligible list was issued on September 28, 2023 (Certification No. PL231887) and contained the names of the eligibles appearing at ranks 3 through 8. In disposing of PL231887, Harrison appointed four eligibles: Murphy and Sackerman effective October 2, 2023, and Gregory and Sloan effective October 30, 2023.

On June 1, 2024, the promotional announcement for Police Lieutenant (PM3856F), Harrison, 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. Four individuals, Murphy, Sackerman, Silva and Sloan, submitted applications. Given that the available employment records for Murphy, Sackerman and Sloan indicated the above noted October 2023 regular appointment dates to the Police Sergeant title,

Agency Services determined that they did not possess the required amount of permanent service in a title to which the examination was open.¹

On appeal, Murphy, Sackerman and Sloan indicate that they were promoted to Police Sergeant on July 1, 2023 and August 1, 2023, respectively, and thus, they meet the one year in grade requirement. In support of their appeals, they provide additional documentation including copies of Harrison Resolution R-223-124 dated August 1, 2023, which indicates that on July 1, 2023, Murphy and Sackerman, and on August 1, 2023, Gregory and Sloan, were promoted to Police Sergeant; and copies of their Oath of Office forms indicating their effective promotion dates of July 1, 2023 and August 1, 2023, respectively.

In support of their appeals, in a letter dated August 20, 2024, the appointing authority explains that Resolution R-223-124 provides:

The foregoing promotions to Police Sergeant are subject to receipt by the Town of a Certification of Eligibles for Appointment ('Certification') from Eligible/Failure Roster PM4558C ('Roster') in the same order as the Roster and subject to the terms and conditions set forth in the Certification.

In this regard, the appointing authority indicates that it had requested a certification of the PM4558C list on August 1, 2023 but "having not received the requested Certified List, the Town re-sent the request on 09-27-2023." The appointing authority further indicates that the certification was returned indicating the appointments of Murphy and Sackerman effective July 1, 2023, and Gregory and Sloan effective August 1, 2023. However, upon being advised that the dates of appointment could not precede the date of the certification, September 28, 2023, "the dates of 10-02-2023 (for Murphy and Sackerman) and 10-30-2023 (for Gregory and Sloan) were used." The appointing authority further verifies that "these Sergeants have served the Town and its residents as sworn Sergeants since 07-01-2023 and 08-1-2023, more than one (1) year prior to the Exam closing date of 08-31-2024 . . . The fact that a Certified List was not received until October of 2023 should not preclude admittance." The appointing authority provides copies of additional documentation including copies of emails sent on August 1, 2023 and September 27, 2023 to the Certification Unit requesting a certification of the PM4588C list.

In further support of their appeals, in a letter dated September 16, 2024, the Police Benevolent Association, Local 22 (PBA), represented by Frank M. Crivelli, Esq., adds that "the passage of this resolution [(R-223-124)] is direct evidence of their date[s] of appointment thus making them eligible to sit for the examination." PBA further adds that since Murphy and Sackerman have performed the duties of a Police

¹ It is noted that the PM3856F 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.

Sergeant since July 1, 2023, and Gregory and Sloan since August 1, 2023, their time in grade “exceeds the requisite eligibility requirement” as noted above. PBA presents that if they are not admitted to the test, it requests that the above noted August 20, 2024 letter “be viewed as [a request to reduce the year in grade requirement to completion of the working test period] in accordance with *N.J.A.C.* 4A:4-2.6(g)1.”²

CONCLUSION

A retroactive appointment date “for seniority purposes only” may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C.* 4A:4-1.10(c). 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).

In the instant matter, the record establishes that Murphy, Sackerman, Gregory and Sloan appeared on the eligible list for Police Sergeant as the third, fourth, fifth and sixth ranked eligibles, respectively. However, due to administrative error, Harrison failed to request a certification prior to the time it appointed Murphy, Sackerman, Gregory and Sloan. Furthermore, Harrison verifies that Murphy, Sackerman, Gregory and Sloan have been performing Police Sergeant duties since July 1, 2023 and August 1, 2023, respectively. Therefore, based on the foregoing, it is appropriate to grant retroactive dates of permanent appointment to Murphy and Sackerman, effective July 1, 2023, and to Gregory and Sloan, effective August 1, 2023, as Police Sergeants for seniority and record keeping purposes.

With respect to the eligibility of Murphy, Sackerman, and Sloan for the Police Lieutenant (PM3856F), Harrison promotional examination, as noted previously, Murphy and Sackerman have been serving as Police Sergeants in Harrison since July 1, 2023, and Sloan since August 1, 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.

² It is noted that such request must be made prior to the closing date of the announcement. In this regard, in *In the Matter of County Correction Captain (PC1189P) and County Correction Lieutenant (PC1202P)*, Hudson County, Docket No. A-2162-14T3 (App. Div. March 9, 2017), the court found that retroactively amending an announcement to the completion of the working test period was contrary to regulations and was not a reasonable application of legislative policies. As noted previously, the PM3856F announcement issued with the above year in grade requirement and closed on August 31, 2024. Therefore, a request submitted after August 31, 2024 to reduce the year in grade requirement to completion of the working test period cannot be considered.

ORDER

Therefore, it is ordered that this request be granted and Murphy and Sackerman, effective July 1, 2023, and Gregory and Sloan, effective August 1, 2023, receive dates of permanent appointment to the Police Sergeant title and all of their seniority-based benefits be adjusted accordingly. It is also ordered that Murphy, Sackerman and Sloan be admitted to the promotional examination for Police Lieutenant (PM3856F), Harrison 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

Allison Chris Myers

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Chairperson
Civil Service Commission

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