



**STATE OF NEW JERSEY**

In the Matter of Stacey Williams,  
Roselle, Police Department

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

CSC Docket No. 2026-605

Back Pay, Counsel Fees, and  
Enforcement

**ISSUED: December 17, 2025 (SLK)**

Stacey Williams, Police Chief with the Roselle Police Department (Roselle), represented by Patrick P. Toscano, Jr., requests back pay, counsel fees, enforcement, and reinstatement pursuant to *In the Matter of Stacey Williams* (CSC, decided June 11, 2025).

By way of background, Roselle sought two separate removals for Williams, effective March 14, 2024. Williams appealed the two removals to the Civil Service Commission (Commission), and the matters were transmitted to the Office of Administrative Law as contested cases. After the consolidated hearing, in the Commission's June 11, 2025, decision, it reversed Williams' first removal and modified his second removal to a 30 working day suspension. Accordingly, the Commission ordered that Williams receive 50% of the total amount of counsel fees expended for both appeals, and he receive mitigated back pay, benefits, and seniority from 30 working days after the first date of disciplinary action without pay to the date that he is reinstated.<sup>1</sup>

In Williams' request for back pay, he presents that he initially opened an unemployment benefits claim in March 2025 but did not complete and become approved for the claim until a "few months later" and started receiving benefits from

<sup>1</sup> In a June 19, 2025, letter, Roselle requested that the Commission stay the decision with respect to back pay and counsel fees as it indicated that it intended to appeal the decision to the Superior Court of New Jersey, Appellate Division. In a July 18, 2025, response, this agency replied that there did not appear to be a basis to grant Roselle's request for a stay pursuant to *N.J.A.C. 4A:2-1.2*. Therefore, it closed the matter.

June 30, 2025, in the amount of \$875 per week. He provides that he will exhaust these benefits as of the week of December 8, 2025. Additionally, Williams provides that because his police license has been suspended since the issue arose, he is pragmatically barred from gaining any comparable law enforcement position. Further, he asserts that he made a myriad of reasonable efforts to try to gain employment, including reviewing classified advertisements, intermittently checking the internet, and constantly networking with friends who were unable to help. Although Williams acknowledges that he initially contemplated retiring on/about June 1, 2024, due Roselle's Labor Counsel's telling him that he would be fired if he did not otherwise do so, he asserts that he has not been able to further consider retirement and/or formally retire as of the current date. Additionally, he states that certain employment opportunities outside law enforcement would inquire as to whether he retired in good standing, which would require a letter from the current Police Chief, which he has not yet received due to his removal and pending appeals. He requests back pay, vacation time, terminal pay, compensation time, and personal days. Additionally, Williams requests to be immediately reinstated as Police Chief. He also notes that it is unclear as to how the reversed removal impacts his pension benefits.

Concerning counsel fees, Williams submits an affidavit of services from Patrick P. Toscano, Jr. (Patrick). Patrick presents that he is the firm's managing partner, and he explains his over 40 years of experience in detail. He asserts that his standard hourly rate is \$750 per hour, and he contends that based on his specialized expertise in police discipline and exceptional experience and reputation, a rate in excess of the statutory maximum, \$200 per hour, is warranted. Specifically, he believes that a rate of \$500 per hour for his time in this matter is justified. Regarding his partner, Matthew J. Toscano (Matthew), he presents that Matthew has six years of experience, and he describes his experience in detail. Therefore, Patrick certifies that based on Matthew's experience, Matthew's time should exceed the statutory cap of \$175 per hour and he argues that a \$250 per hour rate for his time is justified. He provides that Matthew's usual hourly rate is \$350 per hour. Patrick submits a breakdown of the time and the description of work performed by the firm in this matter. Specifically, the law firm's spreadsheet indicates that Patrick spent 86.7 hours at a rate of \$500 per hour (\$43,350) and Matthew spent .7 hours at a rate of \$250 per hour (\$175) for a total of "91.5<sup>2</sup>" hours and a total billing of \$43,525. Additionally, the law firm presents costs in the amount of \$71.38 (\$31.38 for FedEx and \$40 for the appeal fee). Therefore, the total request is for \$43,596.38.

In reply, Roselle, represented by Tyler Newman, Esq., presents that Williams was suspended without pay on March 14, 2024. Subsequently, Roselle indicates that Williams filed for retirement on April 4, 2024, with an effective date of June 1, 2024. It states that at no point did Williams withdraw his request to retire. Further, Roselle provides a September 8, 2025, email from the pension system which confirms that it

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<sup>2</sup> The spreadsheet indicated that the total was 91.5 hours, but the sum should be 87.4.

received Williams' application for retirement on or about April 4, 2024; the application requested an effective retirement date of June 1, 2024; and the pension system's files do not reflect that Williams rescinded this application. It submits a spreadsheet indicating that Williams' gross pay between March 14, 2024 through June 1, 2024 was \$44,592.35, less his gross pay for the 30 working day suspension, \$24,322.10, equals that his gross back pay due is \$20,269.25.

In response, Williams submits a screenshot from the Division of Pensions and Benefits' Membership Benefits Online System indicating that his retirement application has been canceled successfully. He emphasizes that he has no desire whatsoever to retire from the Roselle Police Department.

### CONCLUSION

*N.J.A.C. 4A:2-2.10(a)* provides that where a disciplinary penalty has been reversed, the Commission shall award back pay, benefits, seniority or restitution of a fine. Such items may be awarded when a disciplinary penalty is modified.

*N.J.A.C. 4A:2-2.10(d)* provides that back pay shall include unpaid salary, including regular wages, overlap shift time, increment and across-the-board adjustments. Benefits shall include vacation and sick leave credits and additional amounts expended by the employee to maintain his or health insurance coverage during the period of improper suspension or removal. *N.J.A.C. 4A:2-2.10(d)1* provides that back pay shall not include items such as overtime pay, holiday premium pay and retroactive clothing, uniform or equipment allowance for periods in which the employee was not working. *N.J.A.C. 4A:2-2.10(d)2* provides that the award of back pay shall be reduced by the amount of taxes, social security payments, dues, pension payment, and any other sums normally withheld. *N.J.A.C. 4A:2-2.10(d)3* provides where a removal or suspension has been reversed or modified, an indefinite suspension pending the disposition of criminal charges has been reversed, the award of back pay shall be reduced by the amount of money that was actually earned during the period of separation, including any unemployment insurance benefits received, subject to any applicable limitations set for the in (d)4 below.

*N.J.A.C. 4A:2-2.10(d)4* states where a removal or a suspension for more than 30 working days has been reversed or modified or an indefinite suspension pending the disposition of criminal charges has been reversed, and the employee has been unemployed or underemployed for all or a part of the period of separation, and the employee has failed to make reasonable efforts to find suitable employment during the period of separation, the employee shall not be eligible for back pay for any period during which the employee failed to make such reasonable efforts.

- i. "Underemployed" shall mean employment during a period of separation from the employee's public employment that does not constitute suitable employment.

- ii. "Reasonable efforts" may include, but not be limited to, reviewing classified advertisements in newspapers or trade publications; reviewing Internet or on-line job listings or services; applying for suitable positions, attending job fairs, visiting employment agencies; networking with other people; and distributing resumes.
- iii. Suitable employment" or "suitable position" shall mean employment that is comparable to the employee's permanent career service position with respect to job duties, responsibilities, functions, location, and salary.
- iv. The determination as to whether the employee has made reasonable efforts to find suitable employment shall be based upon the totality of the circumstances, including, but not limited to, the nature of the disciplinary action taken against the employee; the nature of the employee's public employment; the employee's skills, education, and experience; the job market; the existence of advertised, suitable employment opportunities; the manner in which the type of employment involved is commonly sought; and any other circumstances deemed relevant based upon the particular facts of the matter.
- v. The burden of proof shall be on the employer to establish that the employee has not made reasonable efforts to find suitable employment.

*N.J.A.C.* 4A:2-2.10(d)5 provides that an employee shall not be required to mitigate back pay for any period between the issue date of a Commission decision reversing or modifying a removal or reversing an indefinite suspension and the date of actual reinstatement. The award of back pay for this time period shall be reduced only by the amount of money that was actually earned during that period, including any unemployment insurance benefits received.

*N.J.A.C.* 4A:2-2.10(e) provides that unless otherwise provided, an award of back pay, benefits and seniority shall be calculated from the effective date of the appointing authority's improper action to the date of the employee's actual reinstatement to the payroll.

*N.J.S.A.* 11A:2-22 provides that reasonable counsel fees may be awarded to an employee as provided by rule. *N.J.A.C.* 4A:2-2.12(a) provides that the Commission shall award partial or full reasonable counsel fees incurred in proceedings before it and incurred in major disciplinary proceedings at the departmental level where an employee has prevailed on all or substantially all of the primary issues before the Commission.

*N.J.A.C.* 4A:2-2.12(c)2 provides that the fee range that shall apply in determining counsel fees for a partner or equivalent in a law firm with fewer than 15 years of experience in the practice of law is \$150 to \$175 per hour. *N.J.A.C.* 4A:2-2.12(c)3 provides that the fee range that shall apply in determining counsel fees for a partner or equivalent in a law firm with 15 or more years of experience in the practice of law, or, notwithstanding the number of years of experience, with a practice concentrated in employment or labor law, is \$175 to \$200 per hour.

*N.J.A.C.* 4A:2-2.12(e) provides that a fee amount may also be determined or the fee ranges in (c) adjusted based on the circumstances of a particular matter, in which case the following factors (see the Rules of Professional Conduct of the New Jersey Court Rules, at RPC 1.5 (a)) shall be considered:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
2. The fee customarily charged in the locality for similar legal services, applicable at the time the fee is calculated;
3. The nature and length of the professional relationship with the employee; and
4. The experience, reputation and ability of the attorney performing the services.

*N.J.A.C.* 4A:2-2.12(g) provides that reasonable out-of-pocket costs shall be awarded, including, but not limited to, costs associated with expert and subpoena fees and out-of-State travel expenses. Costs associated with normal office overhead shall not be awarded.

Initially, it is noted that although Williams submitted an application for retirement, as he submits proof that his application was canceled successfully, the record indicates that William has not retired. As such, he is entitled to immediate reinstatement to his Police Chief position.

Regarding back pay, the record indicates that Williams' separation without pay began on March 14, 2024. Therefore, the back pay period subject to mitigation is 30 working days after March 14, 2024, until the Commission's June 11, 2025, decision. See *N.J.A.C.* 4A:2-2.10(d)5. Concerning Williams' mitigation efforts, he states he tried to gain employment, including reviewing classified advertisements, intermittently checking the internet, and constantly networking with friends who were unable to help. Additionally, Williams provides that he initially opened an unemployment benefits claim in March 2025 but did not complete and become approved for the claim until a "few months later" and started receiving benefits from June 30, 2025. Under *N.J.A.C.* 4A:2-2.10(d)4v, the employer has the burden of proof

to establish that the employee has not made reasonable efforts to find suitable employment to mitigate their back pay award. Further, there is a presumption that the receipt of unemployment benefits evidences that an employee sufficiently mitigated during the period of separation, since searching for employment is a condition to receiving such benefits. See *N.J.S.A. 43:21-4(c)1*. However, Williams has not presented even one specific job that he applied for during this time. Therefore, the Commission finds that the appointing authority has met its burden of proof that Williams did not make reasonable efforts to mitigate his back pay. Similarly, even if the appellant's receipt of unemployment benefits began prior to the Commission's decision, the presumption that the receipt of unemployment benefits evidences sufficient mitigation is rebutted as Williams did not make reasonable efforts to mitigate his back pay. See *In the Matter of Manuel Oliveira* (CSC, decided January 14, 2009), *aff'd In the Matter of Manuel A. Oliveria*, Docket No. A3325-08 (App. Div. September 28, 2010). Moreover, Williams' statements that he has been "pragmatically barred from gaining any comparable law enforcement position" and certain employment opportunities outside law enforcement would require a letter that he resigned in good standing which he cannot obtain are unpersuasive, as there is no requirement that Williams receive a "comparable" law enforcement position, any law enforcement position, or even secure any position, as there is no requirement that he find a position. Rather, the only requirement was that he make "reasonable efforts" to seek employment. Furthermore, the Commission need not decide what was a "suitable position" would be in this case, as clearly not applying to one specific position during the back pay award period is not a "reasonable effort." See *In the Matter of S.A.* (CSC, decided October 16, 2024).<sup>3</sup>

However, Williams is entitled to pay from the date of the Commission's decision, June 11, 2025, until the date that he is reinstated as there is no requirement to mitigate during this time. See *N.J.A.C. 4A:2-2.10(d)5* and *In the Matter of William Able* (CSC, decided September 1, 2021). As such, Williams is entitled to pay during this period less the sums normally withheld and less the unemployment benefits received or any other amounts actually earned during this period. See *N.J.A.C. 4A:2-2.10(d)2* and *N.J.A.C. 4A:2-2.10(d)5*.

Referring to Williams' request for vacation time earned during the back pay period, it is noted that there is no duty to mitigate benefits. Therefore, Williams is entitled to vacation leave credits. See *N.J.A.C. 4A:2-2.10(d)*. Specifically, he is entitled to carry over unused vacation time from 2024 into 2025. Similarly, Williams is entitled to carry over unused vacation time in 2025 into 2026. However, vacation leave not taken in a given year can only be carried over to the following year.<sup>4</sup> See *N.J.S.A. 11A:6-3(e)* and *N.J.A.C. 4A:6-1.2(g)*; See also, *In the Matter of Donald H.*

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<sup>3</sup> Although it appears that the appointing authority was willing to pay Williams back pay from 30 days from his separation date until June 1, 2024, as this matter is now before the Commission, and there has been no evidence presented that Williams made a reasonable effort to mitigate his back pay during this time, he is not entitled to a back pay award during this time.

<sup>4</sup> As such, any carried over vacation time from 2024 will be lost as of January 1, 2026.

*Nelsen, Jr.*, Docket No. A-2878-03T3 (App. Div. February 4, 2005); *In the Matter of John Raube, Senior Correction Officer, Department of Corrections*, Docket No. A-2208-02T1 (App. Div. March 30, 2004); and *In the Matter of Evan Scott* (CSC, decided September 10, 2019). Additionally, while not specifically requested, Williams is entitled to sick leave credits earned during this time as well reimbursement for any additional amounts expended by him to maintain his health insurance coverage during the separation period, if applicable. *See N.J.A.C. 4A:2-2.10(d)*. However, Williams is not entitled to terminal pay, compensation time, and personal days as the Commission has no authorization to review benefits provided by the local jurisdiction and not specifically awarded by Title 11A of the New Jersey Statutes. *See In the Matter of James Nance* (MSB, decided October 1, 2003). Concerning Williams' questions about pension benefits, the Commission notes that it does not have jurisdiction over pensions and this should be addressed in the appropriate forum.

Referring to counsel fees, Williams' counsel argues that Williams is entitled to be reimbursed for counsel fees at rates above the limits set for in *N.J.S.A. 4A:2-2.12(c)*. However, that request is denied as the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services in this matter does not warrant an upward adjustment. *See N.J.A.C. 4A:2-2.12(e)1*. The record indicates that Patrick is a partner with more than 15 years of experience and Matthew is a partner with fewer than 15 years of experience. Therefore, the Commission finds that Patrick's time shall be based on a \$200 per hour rate and Matthew's time shall be based on a \$175 per hour rate. *See N.J.A.C. 4A:2-2.12(c)*. Further, the law firm's spreadsheet indicates that Patrick spent 86.7<sup>5</sup> hours on this matter and Matthew spent .7 hours. As Williams is entitled to be reimbursed 50% of the counsel fees, the Commission finds that he is entitled to counsel fees in the amount of \$8,731.25. (86.7 hours x \$200 per hour = \$17,340 and .7 hours x \$175 = \$122.5; \$17,340 + \$122.5 = \$17,462.5; \$17,462.5 x .5 = \$8,731.25). However, the Commission finds that Williams is not entitled to reimbursement of FedEx expenses as this is considered a normal office overhead expense. *See N.J.A.C. 4A:2-2.12(g)* and *In the Matter of Monica Malone*, 381 *N.J. Super.* 344 (App. Div. 2005). Moreover, Williams is not entitled to be reimbursed for his appeal fee to this agency as this is considered a processing fee. *See N.J.A.C. 4A:2-1.8(a)* and *In the Matter of Vincent Fiscella, Jr.* (CSC, decided March 27, 2018). Finally, to the extent that Williams is claiming that Roselle has not complied with the Commission's June 11, 2025, decision, the Commission denies this request as the record indicates that the parties have had good faith issues in determining Williams' back pay and reinstatement and there is no record that Williams attempted to collect counsel fees outside of the subject matter.

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<sup>5</sup> The Commission calculates that Patrick's time as 91 hours less 4.1 hours involving the Appellate Division for a total time of 86.9 hours. However, the Commission shall use the law firm's spreadsheet that indicates that Patrick spent 86.7 hours "out of court" for his time.

## ORDER

Therefore, it is ordered that this appeal be granted in part and Stacey Williams shall be immediately reinstated to his Police Chief position. His request for back pay is denied. However, per *N.J.A.C. 4A:2-2.10(d)*<sup>5</sup>, he is entitled to pay after the date of the Commission's previous decision. Additionally, he is entitled to vacation leave, sick leave, and health insurance reimbursement, if applicable, as stated herein. All other requests for benefits are denied.

Further, it is ordered that Roselle shall pay counsel fees in the amount of \$8,731.25 within 30 days of the issuance of this decision. Williams' request for costs is denied.

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 17<sup>TH</sup> DAY OF DECEMBER, 2025




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