



**STATE OF NEW JERSEY**

In the Matter of David Van Winkle,  
Police Officer (M0379F), Rutherford

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

CSC Docket No. 2026-74

Administrative Appeal

**ISSUED: January 21, 2026 (HS)**

David Van Winkle, represented by Michael L. Prigoff, Esq., appeals his nonappointment on the Police Officer (M0379F), Rutherford eligible list.

The appellant appeared as the fourth ranked non-veteran eligible on the subject eligible list, which promulgated on November 28, 2024 and expired on December 2, 2025.

On appeal to the Civil Service Commission, the appellant complains that the appointing authority appointed J.A. and L.G. as Police Officers in June 2025 though neither individual appeared on the M0379F list, which continued to be valid. He asks that those appointments be set aside.

In response, the appointing authority, represented by Anthony G. LoBrace, Esq., explains that it advised this agency on June 16, 2025 that it was appointing J.A. and L.G. as Police Officers pursuant to *N.J.S.A. 11A:4-1.3* and included completed personnel forms; a copy of the governing body's resolution authorizing hiring in accordance with *N.J.S.A. 11A:4-1.3*; and copies of its conflict of interest and nepotism policies in force at the time of the appointments. The appointing authority argues that by its plain terms, *N.J.S.A. 11A:4-1.3* allows a Civil Service municipality to hire an entry-level Police Officer without the officer being required to undergo an examination conducted by this agency so long as the officer completes a training course offered by the Police Training Commission; the municipality has adopted an ordinance or resolution allowing for such hiring; and the municipality has adopted a

conflict of interest and nepotism policy. Given that a candidate's inclusion on a list of eligibles certified by this agency for purposes of filling a vacant entry-level law enforcement position is based upon such candidate's performance on an open competitive examination conducted by this agency, the fact that *N.J.S.A. 11A:4-1.3* exempts a candidate from the necessity to undergo such examination likewise exempts the candidate from needing to be included on a list of eligibles before they may be appointed by a municipal employer. The appointing authority insists that it complied with all aspects of *N.J.S.A. 11A:4-1.3* necessary for its appointment of J.A. and L.G. as entry-level law enforcement officers. Accordingly, and contrary to the appellant's suggestions, its appointment of the individuals without either officer having taken an examination offered by this agency or being listed on a certification directly comported with the provisions of *N.J.S.A. 11A:4-1.3* and was, therefore, entirely proper.

Agency records indicate that the respective appointments of J.A. and L.G., effective June 12, 2025 under the "Alternate Route Program," as *N.J.S.A. 11A:4-1.3* has come to be known, were approved and entered into the County and Municipal Personnel System.

## CONCLUSION

*N.J.S.A. 11A:4-1.3*, in pertinent part, provides:

a. The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position . . . a person who successfully completes a full Basic Course for Police Officers training course . . . at a school approved and authorized by the New Jersey Police Training commission within nine months from the date of hire as a temporary entry-level officer under the provisions of this section.

(1) Any person employed under the provisions of this section shall enroll in a training course approved by the New Jersey Police Training Commission, and such person shall be entitled to a leave of absence with pay during the period of the training course.

(2) Upon successful completion of the training course, any person employed under the provisions of this section shall be appointed from a temporary to a permanent entry-level law enforcement police officer . . .

. . .

c. (1) A municipal . . . police department may hire a person, exempt from the requirement to take an examination for an entry-level law enforcement officer position pursuant to subsection a. of this section, upon adoption of an ordinance or resolution by the governing body authorizing such hiring by the police department and the adoption of a conflict of interest and nepotism policy.

Upon review, the Civil Service Commission finds that J.A. and L.G. did not have to appear on an eligible list before they could be appointed pursuant to *N.J.S.A.* 11A:4-1.3 under the statute's terms. A review of the record finds that their appointments were consistent with the requirements of *N.J.S.A.* 11A:4-1.3, and there is no basis to disturb them. The appellant, for his part, did not possess a vested property interest in the position by virtue of his placement on the eligible list. See *Nunan v. Dep't of Pers.*, 244 *N.J. Super.* 494, 497 (App. Div. 1990) (“[A] person who successfully passes an examination and is placed on an eligible list does not thereby gain a vested right to appointment”) (quoting *In re Crowley*, 193 *N.J. Super.* 197, 210 (App. Div. 1984)). Accordingly, there is not a sufficient basis to grant the appellant's appeal of his nonappointment.

### ORDER

Therefore, it is ordered that this appeal be 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 21<sup>st</sup> DAY OF JANUARY, 2026




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