



STATE OF NEW JERSEY

In the Matter of Kurt Saettler, Jr.,
Police Lieutenant (PM3236E), Middle
Township

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

CSC Docket No. 2024-401

Examination Appeal

ISSUED: July 1, 2026 (SLK)

Kurt Saettler, Jr. appeals the determination that he was ineligible for the Police Lieutenant (PM3236E), Middle Township permanent examination.

The examination at issue was announced open to employees in the competitive division who had an aggregate of one year of continuous permanent service as a Police Sergeant as of the September 30, 2023, examination closing date. A total of six employees applied to the subject examination. The appellant was determined ineligible for lacking the required amount of permanent status in a title to which the examination was open. Specifically, the appellant was permanently appointed as a Police Sergeant, effective November 21, 2022,¹ which is less than one year prior to the subject Police Lieutenant examination closing date. The subject eligible list, containing five names, promulgated on April 11, 2024 and expires on April 10, 2027. Agency records indicate that four eligibles received regular appointments to the title of Police Lieutenant, and one eligible remains on the subject eligible list.²

¹ Both the appellant and the appointing authority indicate that the appellant was appointed as a Police Sergeant, effective November 22, 2022. However, the County and Municipal Personnel System (CAMPS) indicates that the appellant's promotion was effective November 21, 2022. If November 21, 2022, is not accurate, the appointing authority is instructed to update the appellant's CAMPS record.

² The Police Lieutenant (PM3072H), Middle Township promotional examination was announced with an August 31, 2026 examination closing date. Three candidates applied, but the appellant was not one of them. The list PM3072H eligible has not yet promulgated.

On appeal, the appellant argues that prior to his regular appointment from the October 21, 2022 certification (PL221500) of the eligible list for Police Sergeant (PM4593C),³ he had been serving in an acting capacity as a Police Sergeant since August 2022. He maintains that because the PM4593C⁴ eligible list was not timely issued, his regular appointment was delayed. In this regard, he states that although the examination was held on February 26, 2022, the resulting eligible list was not issued until October 19, 2022, even though all test item appeals were finalized in August 2022. The appellant asserts that if the test scores had been determined in a timely manner, he would have received an earlier appointment and would have easily possessed the required permanent status by September 30, 2023 closing date for the Police Lieutenant (PM3236E) promotional examination.

The appellant argues that it is inherently unfair and irresponsible for this agency to deny candidates an opportunity to advance in their respective departments solely because it took so long for the Police Sergeant (PM4593C) examination results to be posted. The appellant argues that the prudent and equitable option should have been to administer the Police Sergeant's examination sooner in the year, which would have allowed for enough time for this agency to grade, finalize examination appeals and any other issues related to the examination, so that those who should have had a year of permanent status can take the Police Lieutenant's test. In the alternative, he argues that the examination closing date for the Police Lieutenant (PM3236E) examination should, at the very least, coincide with the month in which the Police Sergeant's examination results were actually posted. The appellant reiterates that based on his "acting" as a Police Sergeant since August 2022, which he remained in until his promotion in November 2022, he would have possessed the required permanent service as a Police Sergeant, but for the delay in issuing the Police Sergeant (PM4593C) eligible list.

In response to an inquiry from this agency, the appointing authority states that the appellant was sporadically assigned out-of-title Police Sergeant duties throughout 2022 and acknowledges that these out-of-title duties increased in August 2022. It submits 2022 payroll records for the appellant that indicate there were 84 regular units during a pay period. Further, these payroll records provide that starting with the August 26, 2022, payroll date, the appellant received Police Sergeant pay for the pay periods prior to his promotion as a Police Sergeant in amounts of 40 pay units, 69 pay units, 39 pay units, 77 pay units, 40 pay units, 64 pay units and 32 pay units. Moreover, the payroll records indicate that the appellant worked overtime during many of these pay periods, although it is unclear if the

³ Agency records indicate the appellant was the first ranked eligible on the PM4593C eligible list.

⁴ Agency records indicate that the Police Sergeant (PM4593C), Middle Township promotional examination was announced on October 1, 2021, with an October 21, 2021, application deadline and examination closing date of December 31, 2021. The PM4593C list promulgated on October 20, 2022, and expired on January 27, 2026.

appellant performed out-of-title Police Sergeant duties while working overtime. The appointing authority also submits the collective negotiations agreement which allows for out-of-title pay in the absence of the Police Sergeant for a shift. Therefore, as the appointing authority asserts that the appellant never performed Police Sergeant duties on a full-time basis prior to his promotion, it does not support that the appellant be retroactively appointed as a Police Sergeant and/or admitted to the subject Police Lieutenant (PM3236E) examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) requires, in pertinent part, that applicants have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

N.J.A.C. 4A:2-1.4(c) provides that the burden of proof shall be on the appellant in this matter.

Initially, it is noted that there is no such designation as an “acting” appointment under Civil Service rules. *N.J.S.A.* 11A:4-13 and *N.J.A.C.* 4A:4-1 *et seq.* provide for regular, conditional, provisional, interim, temporary, and emergency appointments. *See In the Matter of Russell Davis* (MSB, decided August 10, 2005); *In the Matter of Michael Shaffery* (MSB, decided September 20, 2006). Instead, the record indicates that between August 17, 2022, until November 21, 2022, the appellant performed significant out-of-title Police Sergeant duties due to the appointing authority’s business necessity. In some pay periods, it was for the majority of time, and other pay periods, it was for less than half of the amount of his time. However, to the extent that the appellant is now claiming that he was performing “acting” Police Sergeant duties during this time, this claim is untimely as he needed to file a position classification review request within 20 days as to when he believed he was an “acting” Police Sergeant while his appeal was not received by this agency until August 21, 2023,⁵ which is well after 20 days from the period in question. Further, by not filing such a request, the record indicates that the appellant agreed to perform out-of-title Police Sergeant duties as needed by the appointing authority. Accordingly, there is no basis to credit the appellant for having continuous permanent service as a Police Sergeant, prior to his promotion to Police Sergeant, effective November 21, 2022.

⁵ If an appeal is mailed, the timeliness of an appeal is based on the postmark date. However, while the appeal letter envelope has a stamp and a meter reading, there is no postmark date on the letter. Regardless, it was received by this agency on August 21, 2023.

Regarding the appellant's claim that the Police Sergeant (PM4593C), Middle Township promotional examination should have been announced, administered and/or promulgated sooner, the record indicates that although the application deadline was October 21, 2021, the examination closing date was December 31, 2021. Therefore, there is no basis to find that the test that was administered on February 26, 2022, was not administered timely. Moreover, as the appellant highlights, there were appeals that needed to be reviewed, and the PM4593C examination promulgated on October 20, 2022, approximately 10 months later. It is noted that there are processes that both an appointing authority and this agency must go through before an examination is announced and administered, and an eligible list promulgates. Additionally, other than the appellant's belief, there is nothing in the record that indicates that there was an error on this agency's part and/or the list promulgation for the PM4593C Police Sergeant promotion examination was unnecessarily delayed or did not otherwise go through this agency's normal processes.

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 1ST DAY OF JULY, 2026



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