



STATE OF NEW JERSEY

In the Matters of Eric Delgado and
Timothy Mitchell, Sergeant Campus
Police (PS3229J), Montclair State
University

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

CSC Docket Nos. 2025-2589 and
2025-2590

Request for Reconsideration

ISSUED: August 12, 2026 (HS)

The PBA State Law Enforcement Unit (SLEU), represented by David Beckett, Esq., requests partial reconsideration of the Civil Service Commission's (Commission) decision in *In the Matters of Eric Delgado and Timothy Mitchell, Sergeant Campus Police (PS3229J), Montclair State University* (CSC, decided April 9, 2025).

The prior decision noted that the examination for Sergeant Campus Police (PS3229J), Montclair State University, was open to employees with an aggregate of one year of continuous permanent service in the title of Campus Police Officer as of the September 21, 2023 closing date. Eric Delgado and Timothy Mitchell were deemed ineligible as they only commenced permanent service in that title effective March 26, 2023. Before the Commission, Delgado and Mitchell claimed that May 16, 2021 should have been their date of permanent appointment to the title of Campus Police Officer Recruit; their service as Campus Police Officer Recruits should have ended as of May 16, 2022; and their service as Campus Police Officers should have commenced May 16, 2022, resulting in their eligibility. These claims were deemed untimely. For informational purposes, the Commission added that even with backdated permanent appointment dates as Campus Police Officers, Delgado and Mitchell still would not be eligible because the one-year permanent service requirement requires actual service.

On reconsideration, SLEU indicates that there now exists information that was not available at the time of the prior decision, namely the attached Memorandum of Agreement (MOA) between the State and SLEU for the 2023-2027 term.

Specifically, New Side Letter #8 (Probationary/Recruit Issues) within Exhibit D of the MOA provides:

The Probationary/Recruit issues identified in the Interest Arbitration Award, IA-2023-026, at pages 46-52, have been addressed by the State and SLEU resulting in the agreement stated below and petition being filed with the Civil Service Commission. This side letter shall expire upon satisfaction of the parties' obligations under this side letter, but no later than June 30, 2027.

As a resolution of all the probationary/recruit issues set forth in pages 46-52 of the Interest Arbitration Award issued November 27, 2023 (IA-2023-026), the parties agree as follows:

- For the current employees identified on the lists agreed upon by the parties during the negotiations of this Side Letter (*lists to only be included in the parties' final MOA*) who were appointed provisionally pending a qualifying examination to one of the recruit/trainee job titles in the negotiations unit and on or after July 1, 2015 successfully completed twelve (12) months of service in that recruit/trainee title, and were not appointed permanent in that recruit/trainee title within three (3) months of the provisional appointment due solely to an administrative error/delay caused by the Appointing Authority or the Civil Service Commission (CSC):
 - The parties shall jointly petition the CSC, pursuant to, but not limited to *N.J.A.C. 4A:4-1.10(c)* and/or *N.J.A.C. 4A:1-1.2(c)*, within 30 days of ratification of this Agreement to request that the CSC approve a retroactive date of permanent appointment to the applicable Campus Police Officer Recruit, State Park Police Officer Trainee, Police Officer Recruit Human Services or Special Agent Trainee job title and a retroactive date of permanent appointment to the applicable Campus Police Officer, State Park Police Officer, Senior Police Officer Human Services, or Special Agent title for the officers on the agreed upon list, and request that the CSC amend the employee's personnel records for seniority and salary step placement purposes only.

Subsequently, the Governor's Office of Employee Relations (GOER), on behalf of the applicable State universities and departments, and SLEU submitted the joint petition referenced in the MOA excerpt above. They explain that the list of employees is a product of the parties' review of appointments to these titles pursuant to the

terms that were announced as essential to address probationary/recruit appointment issues identified in the Interest Arbitration Award, IA-2023-026. There, the arbitrator directed the parties to “form a joint committee of limited numbers” to engage in a thorough review of probationary/recruit issues, which “could include securing a correction of anniversary dates and current pay step for those officers who did not move to Step 1 after twelve (12) months of employment,” contrary to the parties’ collective negotiations agreement. However, the parties do not seek relief for any employee where delay was attributable to inaction or delay by that employee.

Specifically, the parties request that the Commission approve a retroactive date of permanent appointment to Step 1 of the applicable Campus Police Officer; State Park Police Officer; Senior Police Officer Human Services; or Special Agent title for the officers on the agreed-upon list and request that the Commission amend the employees’ personnel records for seniority and salary step placement purposes on a go-forward basis. Records should also be corrected to reflect a retroactive date for permanent appointment to the Campus Police Officer Recruit; State Park Police Officer Trainee; Police Officer Recruit Human Services; or Special Agent Trainee job title, per the list. The amendments to the appointment dates will apply prospectively only and will ensure that, going forward, the affected employees’ personnel records reflect only 12 months in the recruit/trainee title and subsequent regular appointment to Step 1 of their respective titles.

The parties further advise that the agreement also reflects new information that is highly relevant, including the elimination of the use of the recruit title due to the many issues it created in recruitment, meaning that these issues will not recur. They maintain that by correcting the regular appointment dates with prospective impact only for all affected who spent too many months in the recruit title, the parties will have ensured equity and addressed the issues affecting compensation and appointment in a mutually agreed upon process.

Following receipt of the joint petition, GOER, SLEU, and the applicable State universities and departments were afforded the opportunity to submit comment. The universities and departments did not submit any objection or other comment. In further support, the SLEU adds that the instant settlement cleans up the issue related to hiring into the recruit title before it was made archaic and is a product of years of meetings and review that involved different campuses and different agencies where the parties were represented by GOER and SLEU respectively. SLEU notes that there is no back pay award. Per SLEU, the purpose of the instant reconsideration request was to ensure that language in the prior decision related to the promotional issue would not be extended to, or applied to, the instant agreement where the State universities and departments, GOER, and SLEU carefully constructed the list of officers to be afforded relief. SLEU urges that the parties have demonstrated good cause to support the approval of the settlement, and it is consistent with the authority granted by statute, including *N.J.S.A.* 11A:3-7b and the

Employer-Employee Relations Act, whereby the parties are authorized to negotiate levels of compensation and terms and conditions of employment. The parties do not seek the admittance of Delgado and Mitchell to the PS3229J examination.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration shall be in writing signed by the petitioner or the petitioner's representative and must show the following: (1) the new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or (2) that a clear material error has occurred.

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment has been made, the Commission may order a retroactive appointment date due to administrative error, administrative delay, or other good cause, on notice to affected parties.

N.J.S.A. 11A:3-7b provides that prior to adoption or implementation of an amendment, change or modification to the compensation plan for State employees which amendment, change or modification affects public employees represented by a majority representative selected or designated pursuant to section 7 of P.L.1968, c.303 (C.34:13A-5.3), the State shall negotiate with the majority representative for an agreement on the amendment, change or modification to the compensation plan. The State shall negotiate in good faith with the majority representative. A State employee compensation plan shall not be amended, changed or modified except pursuant to a written agreement entered into between the State and the majority representative following negotiations.

A review of the record reveals that partial reconsideration is justified based on new information, which was not available during the original proceeding, namely the MOA and joint petition. These reflect that the parties agree that certain employees should receive retroactive dates of permanent appointment, for seniority and salary step placement purposes only and without back pay. The policy of the judicial system strongly favors settlement. *See Nolan v. Lee Ho*, 120 *N.J.* 465 (1990); *Honeywell v. Bubb*, 130 *N.J. Super.* 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 *N.J. Super.* 472 (App. Div. 1961), *cert. denied*, 35 *N.J.* 61 (1961). This policy is equally applicable in the administrative area. A settlement will be set aside only where there is fraud or other compelling circumstances. *See Nolan, supra*. The Commission also observes that the Civil Service Act provides, in relevant part, that it is the public policy of this State to ensure the recognition of such bargaining rights as are secured pursuant to the collective negotiations law. *See N.J.S.A.* 11A:1-2. Therefore, good cause has been established to effect the requested retroactive dates of permanent appointment.

Finally, it is noted that this remedy is limited to the specific circumstances here and does not provide a precedent in any other matter.

ORDER

Therefore, the Civil Service Commission orders that this request be granted and that the Division of Agency Services implement the retroactive permanent appointments contemplated in New Side Letter #8 (Probationary/Recruit Issues) within Exhibit D of the attached Memorandum of Agreement.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF AUGUST, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Eric Delgado (2025-2589) (c/o David Beckett, Esq.)
Timothy Mitchell (2025-2590) (c/o David Beckett, Esq.)
Lindi Ashton
David Beckett, Esq.
Craig Bickley
Allison Boucher-Jarvis
Shaun Connell
Gina Kendra
Henry Oh

Antoinette Sargent

David Rappaport

Veronica Ruiz

Division of Agency Services

Division of Human Resource Information Services

Records Center

- Negotiations unit employees who were in one of the listed job titles on or after July 1, 2019 shall receive the applicable salary increases retroactive to the applicable effective dates. Retroactive payments shall be made in accordance with N.J.A.C. 4A:3-4.20 (RETROACTIVE PAY: STATE SERVICE).
- The PBA SLEU agrees to withdraw with prejudice the grievance filed on March 13, 2024 and the amended and clarified grievance filed on March 14, 2024 concerning retroactive pay for recruit/trainees.

3. New Side Letter #8 (Probationary/Recruit Issues)

The Probationary/Recruit issues identified in the Interest Arbitration Award, IA-2023-026, at pages 46-52, have been addressed by the State and SLEU resulting in the agreement stated below and petition being filed with the Civil Service Commission. This side letter shall expire upon satisfaction of the parties' obligations under this side letter, but no later than June 30, 2027.

As a resolution of all the probationary/recruit issues set forth in pages 46-52 of the Interest Arbitration Award issued November 27, 2023 (IA-2023-026), the parties agree as follows:

- For the current employees identified on the lists agreed upon by the parties during the negotiations of this Side Letter (*lists to only be included in the parties' final MOA*) who were appointed provisionally pending a qualifying examination to one of the recruit/trainee job titles in the negotiations unit and on or after July 1, 2015 successfully completed twelve (12) months of service in that recruit/trainee title, and were not appointed permanent in that recruit/trainee title within three (3) months of the provisional appointment due solely to an administrative error/delay caused by the Appointing Authority or the Civil Service Commission (CSC):
 - The parties shall jointly petition the CSC, pursuant to, but not limited to N.J.A.C. 4A:4-1.10(c) and/or N.J.A.C. 4A:1-1.2(c), within 30 days of ratification of this Agreement to request that the CSC approve a retroactive date of permanent appointment to the applicable Campus Police Officer Recruit, ~~or~~ State Park Police Officer Trainee, Police Officer Recruit Human Services or Special Agent Trainee job title and a retroactive date of permanent appointment to the applicable Campus Police Officer, ~~or~~ State Park Police Officer, Senior Police Officer Human Services or Special Agent title for the officers on the agreed upon list, and

WZE

request that the CSC amend the employee's personnel records for seniority and salary step placement purposes only.

- Update Article XIII (Seniority) to strike the Interest Arbitrator's Award in IA-2023-026, as follows: ~~"State and SLEU shall, within a reasonable period of time, form a joint committee of limited numbers for the purpose of addressing the Probationary/Recruit issues set forth in pages 46 to 52 in this decision."~~

Treasury Special Agent Trainees - GOER FINAL LIST

Name	Orig Hire Date	Transfer to Treasury	Title upon Transfer to Treasury	RAQ Appointment date	Current Title	12 mos from provisional pending qualifying examination Trainee start
Shuhjao Chen	3/1/2021	7/1/2023	Special Agent Trainee (PAQ)	4/9/2024	Special Agent Trainee	7/1/2024

12.12.2024

SPP Title dates DEP - GOER FINAL LIST

Name	Current Title	Orig Hire Date	Security Officer Title	Provisional Ofc. Trainee Title	Date SPPOT Prom Ann Requested	Date SPPOT Prom Ann Exam Issued	Date SPPOT Completed Test	Date SPPOT Prom List Effective	Permanent Ofc. Trainee Title	12 mos from prov Trainee start	moved to SPPOT title at step 1	Time in Trainee title beyond 12 mos
Michael Madden	Police Officer	10/18/2014	10/18/2014	2/21/2015	1/2015	3/2015	5/28/2015	7/30/2015	10/3/2015	2/21/2016	10/1/2016	7
Daniel Farnkopf	Police Officer	10/18/2014	10/18/2014	2/21/2015	10/2016	12/2016	1/2017	3/30/2017	4/15/2017	2/21/2016	4/14/2018	25
Jennifer Maurer	Police Officer	10/18/2014	10/18/2014	2/21/2015	10/2016	12/2016	1/2017	3/30/2017	4/15/2017	2/21/2016	4/14/2018	26
Laura Essner	Police Officer	10/18/2014	10/18/2014	2/21/2015	1/2015	3/2015	5/28/2015	7/30/2015	10/3/2015	2/21/2016	10/1/2016	7
Michael Gulden	Police Officer	6/30/2012	6/27/2015	2/20/2016	10/2016	12/2016	1/2017	3/30/2017	4/15/2017	2/20/2017	6/12/2018	13
Matthew Spadaro	Police Officer	9/29/2018	9/29/2018	2/2/2019	12/2018	2/2019	?	8/8/2019	8/31/2019	2/2/2020	8/29/2020	6
Brody Wentzell	Police Officer	4/27/2019	4/27/2019	10/28/2019	unknown	01/2020	?	11/05/2020	11/7/2020	10/26/2020	11/6/2021	12
Brianna Witte	Police Officer	02/17/2018 (Dispatcher)	8/3/2019	12/21/2019	unknown	01/2020	?	11/05/2020	11/7/2020	12/21/2020	11/6/2021	10
Robert VanAradale	Police Officer	11/9/2019	11/9/2019	3/14/2020	N/A	N/A	N/A	N/A	8/14/2021	3/14/2021	8/13/2022	17
Michael Farrelly	Police Officer	8/24/2013	N/A	5/30/2015	1/2015	3/2015	5/28/2015	7/30/2015	10/3/2015	5/30/2016	10/1/2016	4
Thomas Dlgiantoni	Police Officer	4/1/2017	4/1/2017	8/5/2017	6/2017	10/2017	1/10/2018	1/25/2018	2/3/2018	8/5/2018	2/2/2019	5
Carolyn Edwards	Police Officer	4/1/2017	4/1/2017	8/5/2017	6/2017	10/2017	1/10/2018	1/25/2018	2/3/2018	8/5/2018	2/2/2019	5
Matthew Costelow	Police Officer	3/27/2021	3/27/2021	7/31/2021	N/A	N/A	N/A	N/A	1/29/2022	7/31/2022	1/28/2023	5

Name	school	hire date	provisional recruit title	CPOR promotional exam: announcement requested by AA	CPOR promotional exam: announcement issued by CSC	Officer Completes CPOR promotional examination	CPOR promo eligibility /list issued by CSC	permanent Recruit title	12 mos from prov Recruit start	moved to CPOR title at step 1	Approx. Time in Recruit beyond 12 mos
Brent Shiner	Kean	9/16/2019	2/18/2020	11/15/2019	1/1/2020	N/A	5/20/2020	8/27/2020	2/18/2021	8/27/2021	6 months
John Stretavski	Kean	3/19/2019	2/5/2021	N/A	N/A	N/A	N/A	12/10/2021	2/5/2022	8/26/2021	7 months
Joseph Siciliano	Kean	9/10/2019	1/21/2020	11/15/2019	1/1/2020	N/A	5/20/2020	8/26/2020	1/21/2021	12/10/2022	10 months
Eric Card	Kean	7/14/2014	7/25/2015	unsure	10/1/2015	N/A	11/14/2015	11/14/2015	7/25/2016	11/14/2016	4 months
Ruth Henriquez	Kean	4/13/2021	1/7/2022	N/A	N/A	N/A	N/A	6/27/2022	1/7/2023	6/27/2023	5 months
Burak Erten	Kean	2/22/2022	7/18/2022	N/A	N/A	N/A	N/A	12/16/2022	7/18/2023	12/16/2023	5 months
Emily Adams	MSU	1/19/2021	5/16/2021	1/25/2021	11/1/2021		3/24/2022	3/26/2022	5/16/2022	3/26/2023	10 months
Eric Delgado	MSU	1/19/2021	5/16/2021	1/25/2021	11/1/2021		3/24/2022	3/26/2022	5/16/2022	3/26/2023	10 months
Nicolette Aponte	MSU	10/14/2017	2/18/2018		4/1/2019		12/23/2019	12/23/2019	2/19/2019	12/23/2020	22 months
Timothy Mitchell	MSU	1/19/2021	5/16/2021	1/25/2021	11/1/2021		3/24/2022	3/26/2022	5/16/2022	3/26/2023	10 months
George Gains	Rowan	4/13/2019	8/17/2019	12/17/2019	1/1/2020	Yes	2/24/2020	3/27/2021	8/17/2020	8/29/2020	6 months
James Deschler	Rowan	8/19/2017	2/16/2019	8/23/2018	10/1/2018	Yes	8/30/2019	8/30/2019	2/16/2020	3/26/2022	19 months
Ashley Williams	Stockton	4/16/2018	8/28/2018	PS8649J - do not have the date	PS8649J, 11/1/2018	PS8649J - do not have the date	Do not have the date	2/25/2019	8/18/2019	2/29/2020	6 months
Michael Beshal	Stockton	10/1/2018	2/2/2019	PS9341J - do not have the date	PS9341J, do not have the date	PS9341J - do not have the date	PS9341J - 8/7/2019	8/28/2019	2/2/2020	8/29/2020	6 months
Shane Sutherland	Stockton	5/14/2018	9/15/2018	PS8649J - do not have the date	PS8649J, 11/1/2018	PS8649J - do not have the date	Do not have the date	2/25/2019	9/15/2019	2/29/2020	6 months
Michael Damiano	Stockton	12/7/2020	4/10/2021	RLW 9/7/2021	RLW 9/7/2021	RLW 9/7/2021	RLW 9/7/2021	9/24/2021	4/10/2022	9/24/2022	5 months
Angel Perez	WPU	1/6/2014	9/20/2014		11/1/2014			8/8/2015	9/11/2015	8/20/2016	11 months
Christopher Laux	WPU	11/9/2020	3/13/2021	1/6/2021				9/25/2021	3/13/2022	9/24/2022	6 months
David Warbrick	WPU	1/25/2016	10/1/2016		2/1/2017		4/6/2017	4/6/2017	10/1/2017	4/14/2018	6 months
Karla Torres	WPU	12/8/2020	7/17/2021	1/6/2021	9/1/2021			1/15/2022	7/17/2022	1/15/2023	6 months
Kymani Whilby	WPU	4/20/2020	11/9/2020	11/5/2020	12/1/2020			9/25/2021	11/9/2021	9/24/2022	10 months
Louis Hildevert	WPU	1/6/2014	9/20/2014		11/1/2014			8/8/2015	9/20/2015	8/20/2016	11 months

copy of HRP- updated recruit-spo issues- 12-8-24 - ODER FINAL LIST

Employee Name	Title	Hire Date	Security Officer Title	Recruit Provisional	Recruit Permanent	Permanent DHS Police Officer	12 mos from prob Recruit start	Time in Recruit title beyond 12 months
COURTNEY, ERIC S	SENIOR POLICE OFFICER HUMAN SERVICES	8/14/2021	8/14/2021	12/18/2021	7/2/2022	7/1/2023	12/18/2022	8 months
MISTRY, NIL P	SENIOR POLICE OFFICER HUMAN SERVICES	9/11/2021	9/11/2021	1/16/2022	7/2/2022	7/1/2023	1/16/2023	5 months
BURKE, RICHARD	SENIOR POLICE OFFICER HUMAN SERVICES	10/23/2021	10/23/2021	2/26/2022	7/16/2022	7/15/2023	2/29/2023	4 months
NGUYEN, JOSEPH	SENIOR POLICE OFFICER HUMAN SERVICES	2/12/2022	2/12/2022	6/18/2022	12/3/2022	10/7/2023	6/18/2023	3 months

12.12.2024

WZe