



STATE OF NEW JERSEY

In the Matter of Christopher Brown,
Police Sergeant (PM2540W) and
(PM4605C), Newark

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

CSC Docket No. 2019-1767

Examination Appeal

ISSUED: MARCH 4, 2022 (JH)

Christopher Brown appeals the determination of the Division of Agency Services which found that he was not employed in the announced unit scope for the promotional examinations for Police Sergeant (PM2540W) and (PM4605C), Newark.

By way of background, a certification for Police Officer (S9999R), Newark, was issued on January 7, 2015 (Certification No. OL150019) with the names of 600 eligibles. Brown's name appeared at position 237. A review of the record finds that Newark returned the certification for disposition on June 1, 2015 and agency records indicate that Newark appointed 51 individuals, all of whom received an effective appointment date of April 29, 2015. For reasons that are unclear, the certification documentation for OL150019 that Newark returned to this agency is not available. However, agency records indicate that Brown was recorded as "M4" (Removed – No Response to Certification Notice) rather than "A5" (Appointed – R.A. from an Open Competitive List).

The announcement for PM2540W was issued on October 1, 2018 and was open to employees in the competitive division in the Newark Police Department who had an aggregate of three years of continuous permanent service as of the closing date of January 31, 2019 and were serving in the title of Police Officer. It is noted that the subject examination was administered on February 23, 2019. Subsequently, the announcement for PM4605C was issued on October 1, 2021 and was open to employees in the competitive division in the Newark Police Department who had an aggregate of three years of continuous permanent service as of the closing date of December 31, 2021 and were serving in the title of Police Officer.

The Division of Agency Services determined that Brown was ineligible for these examinations as there was no record of his employment in the announced unit scope. It is noted that the PM4605C examination is tentatively scheduled to be administered in February 2022. It is also noted that the appellant has been conditionally admitted to the subject examination pending the resolution of this matter.

On appeal, Brown indicates that he was hired as a Police Officer by Newark on April 29, 2015. In support of his appeal, the appellant submits a “document from the City of Newark, NJ that indicates that I have been employed with the City of Newark NJ as a Police Officer . . . It should also be noted that this document did take a very long [time] to retrieve from the City of Newark, NJ due to personnel not being able to provide me with the document in a timely fashion.” In this regard, the appellant provides a copy of a PeopleSoft record which indicates that he is employed in the Division of Police with an effective date of April 29, 2015.

Newark was contacted on numerous occasions regarding this matter and in an email sent on November 10, 2021 to Agency Services, Newark requested that the record be corrected to reflect Brown’s appointment to the Police Officer title on April 29, 2015. In this regard, Newark provides additional documentation including the certification disposition (Certification of Eligibles for Appointment) page on which Brown’s name appears for OL150019, which is signed and dated May 24, 2015 by the appointing authority, indicating Brown as appointed (“A5”) effective April 29, 2015; and a Request for Personnel Order/New Hire form signed and dated in April 2015 indicating Brown’s appointment to the Police Officer title effective April 29, 2015. For reasons that unclear, no action was taken by this agency to correct this administrative error.

CONCLUSION

In the present matter, for reasons that are unclear in the record, Brown was recorded as being removed (“M4”) from the subject list rather than his appointment (“A5”) as a Police Officer in Newark effective April 29, 2015. Subsequently, Brown was found ineligible for the promotional examinations for Police Sergeant (PM2540W) and (PM4605C), as there was no record of his appointment to the Police Officer title in Newark.

Based on the information provided by Newark, the record establishes that the appointing authority appointed Brown to Police Officer effective April 29, 2015 and that Brown has been serving in that capacity to date. However, due to administrative error, Brown’s appointment was not recorded. Accordingly, agency records should be corrected to reflect Brown’s permanent appointment (“A5”) to the Police Officer title effective April 29, 2015 from OL150019. As noted previously, the PM2540W exam closed January 31, 2019 and the PM4605C exam closed December

31, 2021. Given that Brown has been serving as a Police Officer in Newark since April 29, 2015, he has completed the requisite three year period for both of these examinations and should be admitted to these examinations and be granted a make-up for PM2540W.¹

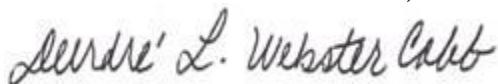
It is further noted that should the appellant receive a permanent appointment to the subject title and successfully complete a working test period, he or the appointing authority may petition the Commission at that time for any additional relief including a retroactive appointment date for seniority purposes.²

ORDER

Therefore, it is ordered that this appeal be granted and agency records be corrected to reflect Brown's permanent appointment to the Police Officer title effective April 29, 2015. It is further ordered that the appellant be admitted to the Police Sergeant (PM2540W) and (PM4605C), Newark promotional examinations and be granted a make-up examination for PM2540W.

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 2ND DAY OF MARCH, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

¹It is noted that public safety candidates are typically given a make-up examination when the next regularly scheduled exam for their particular title is administered. In the present matter, Brown's admittance to PM4605C will also serve as a make-up examination for PM2540W.

² N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment has been made, the Civil Service Commission may order a retroactive appointment date due to administrative error, administrative delay, or other good cause, on notice to affected parties.

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