



STATE OF NEW JERSEY

In the Matter of Bernard Dougherty,
et al., Police Sergeant (PM0801V),
 Gloucester Township

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

CSC Docket Nos. 2022-1301, 2022-
 1302 and 2022-1303

Examination Appeal

ISSUED: MARCH 4, 2022 (JH)

The Division of Agency Services (Agency Services), on behalf of Gloucester Township, requests that Bernard Dougherty, Charles Dewalt and Christopher Roznowski be assigned retroactive appointment dates to the Police Sergeant title. In addition, Charles Dewalt seeks his eligibility for the promotional examination for Police Lieutenant (PM4106C), Gloucester Township.

By way of background, the eligible list for Police Sergeant (PM0801V), Gloucester Township, promulgated on May 24, 2018 with the names of 46 eligibles and is set to expire on May 23, 2022. Bernard Dougherty, Charles Dewalt and Christopher Roznowski appear at ranks 8, 9 and 10, respectively. Effective August 12, 2020, a certification was issued from the PM0801V eligible list (Certification No. PL200727).¹ In disposing of PL200727, which contained the names of the eligibles appearing at ranks 2, 8 through 11, Gloucester Township appointed Dougherty effective September 1, 2020, and Dewalt and Roznowski effective February 8, 2021.

¹ It is noted that there were six prior certifications issued from the PM0801V list. Specifically:

Certification No.	Issue date	Individuals appearing at ranks	Rank(s) appointed	Effective date of appointment
PL190002	January 2, 2019	1 through 5	1	January 2, 2019
PL190169	February 11, 2019	2 through 4	3	February 11, 2019
PL191260	September 4, 2019	2, 4 and 5	4	September 4, 2019
PL191324	September 17, 2019	2, 5 and 6	5	September 17, 2019
PL191661	November 14, 2019	2, 6 and 7	6	November 14, 2019
PL200353	March 6, 2020	2, 7 and 8	7	May 11, 2020

In its request, Agency Services explains that Dougherty, Dewalt and Roznowski were “successfully performing the duties of [Police Sergeant]” prior to the issue date of PL200727. Specifically, the appointing authority assigned Police Sergeant duties to Dougherty on May 11, 2020, and Dewalt and Roznowski on August 10, 2020. Agency Services requests that all three individuals receive appointment dates of August 12, 2020. In support of its request, Agency Services attaches additional documentation including a Gloucester Township Police Department memorandum issued on May 7, 2020 indicating that effective May 11, 2020, Dougherty received a promotion to acting Sergeant; Gloucester Township Police Department memorandum issued on August 6, 2020 indicating that effective August 10, 2020, Dewalt and Roznowski received promotions to acting Sergeant; and Township payroll records which indicate that Dougherty received a promotion on May 11, 2020 and Dewalt and Roznowski on August 10, 2020.

CONCLUSION

A retroactive appointment date “for seniority purposes only” may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Commission, received a later appointment date, or for other good cause. *See N.J.A.C. 4A:4-1.10(c)*. The “for seniority purposes only” appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (Merit System Board, decided September 5, 1991).

In the instant matter, the record establishes that the appointing authority assigned Police Sergeant duties to Dougherty on May 11, 2020 and Dewalt and Roznowski on August 10, 2020. In addition, in disposing of PL200727, Dougherty, Dewalt and Roznowski could have been permanently appointed as of the issue date of PL200727, August 12, 2020. Furthermore, the appointing authority verifies that Dougherty, Dewalt and Roznowski have been performing Police Sergeant duties since the above noted dates. Therefore, based on the foregoing, it is appropriate to grant a retroactive date of permanent appointment to the appellants as Police Sergeant effective August 12, 2020, for seniority and record keeping purposes.

With respect to Dewalt’s eligibility for the Police Lieutenant examination, on July 1, 2021, the promotional announcement for Police Lieutenant (PM4106C), Gloucester Township,² was issued and this examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in the title of Police Sergeant as of the September 30, 2021 closing date. It

² It is noted that the subject examination was administered on October 23, 2021.

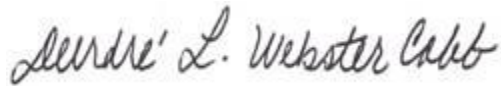
is noted that 17 individuals applied, including Dougherty and Dewalt.³ Given that the available record at the time that eligibility was determined indicated that Dewalt was regularly appointed as a Police Sergeant in Gloucester Township effective February 8, 2021. As such, Agency Services determined that he lacked the required amount of permanent status in a title to which the examination was open as of the September 30, 2021 closing date. However, as noted previously, Dewalt has been serving as a Police Sergeant in Gloucester Township and he could have been permanently appointed on August 12, 2020. Thus, as of the September 30, 2021 closing date, he had completed the requisite one year period.

ORDER

Therefore, it is ordered that this request be granted and Certification No. PL200727 be amended to record the permanent appointments of Dougherty, Dewalt and Roznowski effective August 12, 2020, to the Police Sergeant title, and all of their seniority based benefits be adjusted accordingly. It is also ordered that Dewalt be admitted to and scheduled for a make-up for the Police Lieutenant (PM4106C), Gloucester Township promotional examination.

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



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

³ It is also noted that Roznowski did not apply for the PM4106C examination.

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