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STATE OF NEW JERSEY

In the Matter of Ronald Lipp, Jr.,
Police Lieutenant (PM5043N),
Millburn

CSC Docket No. 2015-955

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: **OCT 27 2014** (SLK)

The Township Millburn (Millburn) requests that Ronald Lipp, Jr. receive a retroactive date of appointment as a Police Lieutenant.

By way of background, the promotional list for Police Lieutenant (PM5043N) promulgated on February 16, 2012 and expires on February 15, 2015. On July 24, 2012, certification (PL120911) was issued and included the top three ranked eligibles. The appointing authority disposed of PL120911 reflecting the appointment of the first and second ranked eligibles effective October 23, 2012, and retained the third ranked eligible as interested. However, the appointing authority states that Mr. Lipp, the fourth ranked eligible, was inadvertently omitted from the July 24, 2012 certification. Nonetheless, he too was appointed to Police Lieutenant effective October 23, 2012. To support its claim, Millburn provides a resolution which confirms the appointment and asserts that Mr. Lipp has been performing the duties of a Police Lieutenant since October 23, 2012. The appointing authority now seeks to correct the record.

The Division of Classification and Personnel Management endorses the appointing authority's request to record the retroactive appointment of Mr. Lipp to Police Lieutenant in Millburn effective October 23, 2012.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been

reserved for two particular situations. First, and germane to this matter, retroactive appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.


In the instant matter, the appointing authority submits documentation that it appointed Lipp to the title of Police Lieutenant effective October 23, 2012 and verifies that he has been performing the duties of the position since that date. However, Mr. Lipp, the fourth ranked eligible, was inadvertently omitted from the July 24, 2012 certification. In light of this error and because he would have been reachable for appointment at the time of the certification, good cause has been presented to provide Mr. Lipp with a retroactive permanent date of appointment effective October 23, 2012. In light of Mr. Lipp's service as a Police Lieutenant since October 23, 2012, a current working test period is not required.

ORDER

Therefore, it is ordered that this request be granted and personnel records be amended to indicate Ronald Lipp's permanent appointment to Police Lieutenant with an effective date of October 23, 2012.

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 22nd DAY OF OCTOBER, 2014



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