

B-55



STATE OF NEW JERSEY

In the Matter of Police Lieutenant
(PM5035P) and Police Captain
(PM7534P), Newark

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2015-3116 and
2015-3117

List Extension

ISSUED: JUN 4 2015 (JH)

The Division of Agency Services (Agency Services), on behalf of the City of Newark (Newark), requests that the eligible lists for Police Lieutenant (PM5035P) and Police Captain (PM7534P), Newark, be extended for one year beyond their original expiration dates or until new lists become available, whichever occurs first.

By way of background, the Police Lieutenant (PM5035P) list, which contains the names of 80 eligibles, promulgated on February 7, 2013 and is due to expire on February 6, 2016. To date, one certification has been issued, on April 15, 2014, from this list (Certification No. PL140402). In disposing of PL140402, Newark appointed 12 eligibles effective July 15, 2014. The Police Captain (PM7534P) list, which contains the names of 34 eligibles, promulgated on February 28, 2013 and is due to expire on February 27, 2016. One certification has been issued, on April 15, 2014, from this list (Certification No. PL140403). In disposing of PL140403, Newark appointed seven eligibles effective July 15, 2014.

Newark explains that due to fiscal constraints and numerous changes within its Police Department's administration, existing vacancies have not been filled. Newark notes that its inability to make appointments from the existing lists may discourage otherwise eligible candidates from applying for a new test. Newark presents that should the subject promotional lists be extended for one year, the eligibles on these lists would have a greater opportunity to be promoted due to the number of existing and anticipated vacancies in 2015.

In addition, Agency Services indicates that if the subject promotional lists are not extended, the 2015 Police Lieutenant and 2015 Police Captain examinations are scheduled to be announced on July 1, 2015 with closing dates of September 30, 2015. Agency Services also indicates that there would be no new Police Sergeants eligible for the 2015 Police Lieutenant examination. Furthermore, Agency Services notes that while there would be 15 new Police Lieutenants eligible for the 2015 Police Captain examination, 12 of the 15 received appointments effective July 15, 2014, as noted above. Moreover, Agency Services indicates that Newark has made an average of 25 Police Lieutenant appointments and 15 Police Captain appointments from its last four lists for these titles. Agency Services advises that the affected bargaining units have not filed any objection in this matter.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C. 4A:4-3.3(b)1* provide that an eligible list may, for good cause, be extended prior to its expiration date, except that no list shall have a duration of more than four years.

At the outset, it is noted that in *In the Matter of Promotional Lists Public Safety Titles* (Merit System Board, decided April 7, 2004), the Board authorized automatic examination announcements for certain promotional public safety titles in conjunction with list extensions in order to ensure that there would be available eligible lists at all times. The Board ordered that the automatic announcement be made "whenever a continuing need to fill vacancies is supported by historical data."

In the present matter, Newark indicates that it is unable to fill existing vacancies for Police Captain and Police Lieutenant due to fiscal constraints and changes within its Police Department's administration. See *In the Matter of James D'Andrea and Brian Wolpert* (CSC, decided September 16, 2009) (Commission determined that it was proper to postpone the 2009 examination for Police Captain in Union City due to fiscal issues that led to a promotional freeze). Furthermore, Agency Services indicates there is a small number of additional eligibles who could be tested during the 2015 examination cycle. Therefore, under these circumstances, good cause has been established to extend the eligible lists for Police Lieutenant (PM5035P) and Police Captain (PM7534P), Newark, for one year beyond their expiration dates of February 6, 2016 and February 27, 2016, respectively, or until new lists become available, whichever occurs first.

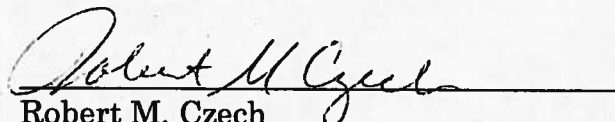
ORDER

Therefore, it is ordered that this request be granted and the eligible lists for Police Lieutenant (PM5035P) and Police Captain (PM7534P), Newark, be extended for one year beyond their expiration dates of February 6, 2016 and February 27,

2016, respectively, or until new lists are available. However, no list shall have a duration of more than four years.

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
THE 3RD DAY OF JUNE, 2015



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