



**STATE OF NEW JERSEY**

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

In the Matter of Raymond Coleman  
III, Correctional Police Sergeant  
(PS6184I), Department of Corrections

Examination Appeal

CSC Docket No. 2018-3142

**ISSUED: DECEMBER 10, 2018 (ABR)**

Raymond Coleman III, represented by Stuart J. Alterman, Esq., appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the permanent service requirement for the promotional examination for Correctional Police Sergeant<sup>1</sup> (PS6184I), Department of Corrections (DOC).

By way of background, the appellant was appointed to the title of Correction Officer Recruit,<sup>2</sup> effective December 13, 2008. Thereafter, the appellant was appointed to the title of Senior Correction Officer,<sup>3</sup> effective December 19, 2009 and resigned in good standing, effective August 16, 2015. The appellant was then appointed to the unclassified title of Trooper with the Division of State Police, effective January 29, 2016. The appellant served as a Trooper until he was rehired as a Senior Correction Officer from a regular reemployment list, effective October 28, 2017.

The subject examination was open, in relevant part, to employees who possessed an aggregate of one year of continuous permanent service in the title of

<sup>1</sup> At the time the announcement for the subject examination, this title was Correction Sergeant. However, pursuant to P.L. 2017, c.293, the title of Correction Sergeant was retitled as Correctional Police Sergeant, effective May 1, 2018.

<sup>2</sup> Pursuant to P.L. 2017, c.293, the title of Correction Officer Recruit was retitled as Correctional Police Officer, effective May 1, 2018.

<sup>3</sup> Pursuant to P.L. 2017, c.293, the title of Senior Correction Officer was retitled as Senior Correctional Police Officer, effective May 1, 2018.

Senior Correction Officer as of the November 21, 2017 closing date. The appellant was deemed ineligible for the subject examination as he did not possess one year of continuous permanent service as of the closing date.

On appeal, the appellant argues that a clear material error was made when he was deemed ineligible for the examination because he possesses over nine years of service as a public employee with the State. The appellant notes that the Civil Service Act policy declarations set forth in *N.J.S.A.* 11A:1-2 include maintaining stability and continuity, and *N.J.A.C.* 4A:1-1.3 defines “State service” as “employment for the State of New Jersey.” Therefore, he contends that the brief period of time he left the DOC to serve as a Trooper should not be held against him for purposes of seniority, assignment choices, eligibility for promotional examinations or other Civil Service rights since he has been employed by the State continuously since December 13, 2008. Furthermore, he argues that his service to the State as a Trooper represents good cause to relax *N.J.A.C.* 4A:4-2.6(a)1 and restore the “privileges he would have enjoyed” if he had remained as a Senior Correction Officer without interruption. Finally, the appellant argues that he was prejudiced in his ability to argue in support of his appeal because of this agency’s reliance on the Civil Service Commission’s (Commission) decision, *In the Matter of Steven Hadley* (CSC, decided April 6, 2011), for the proposition that an employee who incurs a break in service is ineligible for consideration for an examination, regardless of the number of years of continuous State service.<sup>4</sup> He contends that this agency’s reliance on *Hadley* was arbitrary and unfairly prejudiced his ability to argue in support of his appeal because the decision is not available in the Merit System Reporter, on the Commission’s website, “through legal research services such as Westlaw [or] a general internet search.”

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)1 provides that applicants for promotional examinations must have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. Aggregate service shall be calculated in the same manner as seniority as set forth in *N.J.A.C.* 4A:4-2.15. *N.J.A.C.* 4A:4-7.10(d) provides that seniority commences as of the date of regular reemployment. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant was properly deemed ineligible for the subject examination as he did not possess the required one year of *continuous*

---

<sup>4</sup> Initially, staff from the Division of Appeals and Regulatory affairs responded to the appellant’s appeal by letter dated June 4, 2018, which indicated that, per *Hadley, supra*, the appellant did not have a basis to continue with the appeal. Upon the appellant’s subsequent request, the matter was reopened for a determination by the Commission.

permanent service in the title of Senior Correction Officer as of the closing date. The appellant's resignation in good standing from his position as a Senior Correction Officer, effective August 16, 2015, constituted a break in service. *See In the Matter of William Munyon*, (CSC, decided November 23, 2016) (Commission held that the appellant, a Trooper, had a break in service when he resigned in good standing as a Senior Correction Officer to enter the New Jersey State Police Academy). If the appellant had obtained a leave of absence from the DOC to enter the New Jersey State Police Academy and serve in the unclassified title of Trooper, it would not have been considered a break in service and he could have aggregated the entirety of his permanent service in the title of Senior Correction Officer to meet the eligibility requirements for the subject examination. *See In the Matter of George L. Venturi, et al.*, (MSB, decided June 2, 1998). However, the appellant did not do so. Thus, in accordance with *N.J.A.C. 4A:4-2.6(a)1* and *N.J.A.C. 4A:4-7.10(d)*, because the appellant left the organizational/unit scope and incurred a break in service, he cannot aggregate his service as a Senior Correction Officer. *See Hadley*. As such, he was properly deemed ineligible for the subject examination, as he did not possess the required one year of *continuous* permanent service in that title as of the closing date. The Commission notes that this policy, which benefits employees who serve continuously in a title to which an examination is open, is clearly consistent with the stated intent of the Legislature to "encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance." *See N.J.S.A. 11A:1-2c*. Accordingly, the foregoing circumstances do not present good cause to relax the provisions of *N.J.A.C. 4A:4-2.6(a)1*.

Finally, with regard to the appellant's arguments regarding the availability of the *Hadley* decision, the Commission emphasizes that interested parties can obtain copies of any Commission decisions not published on its website by contacting the Division of Appeals and Regulatory Affairs. Additionally, contrary to the appellant's claim, the *Hadley* decision is available through LexisNexis.<sup>5</sup> Moreover, regardless of availability of the *Hadley* decision, each Commission decision is based on the particular facts presented. Accordingly, the appellant has failed to meet his burden of proof in this matter and a sufficient basis exists in the record to support Agency Services' determination that the appellant is ineligible for the Correctional Police Sergeant (PS6184I).

### ORDER

Therefore, it is ordered that this appeal be denied.

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

---

<sup>5</sup> *See* 2011 N.J. CSC LEXIS 438 (N.J. CSC 2011).

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 5<sup>TH</sup> DAY OF DECEMBER, 2018

*Deirdre' L. Webster Cobb*

---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Raymond Coleman III  
Stuart J. Alterman, Esq.  
Lisa Gaffney  
Kelly Glenn  
Records Center