



STATE OF NEW JERSEY

In the Matter of Skyler Conte,  
Department of Environmental  
Protection

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-1839

Administrative Appeal

ISSUED: May 3, 2023 (ABR)

The Department of Environmental Protection (DEP) requests that the permanent appointment of Skyler Conte to the title of State Park Police Officer Trainee be recorded, effective November 22, 2021.

By way of background, on February 4, 2021, Governor Philip D. Murphy signed into law P.L. 2021, chapter 7, section 1 (*N.J.S.A.* 11A:4-1.3). The law, in pertinent part, permitted the Civil Service Commission (Commission) to “exempt from the requirement to take [the Law Enforcement Examination (LEE)] for an entry-level law enforcement position a person who has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training [C]ommission.” The law took effect six months following its enactment, which was on August 4, 2021.<sup>1</sup>

It is noted that the recording of appointments under the new law has come to be known as the “Alternate Route Program,” and the Commission, as an agency, is tasked with the recording of the appointments so long as the candidate meets the specified criteria.

<sup>1</sup> Thereafter, *N.J.S.A.* 11A:4-1.3 was amended by P.L. 2021, chapter 406, section 1 and, among other things, expanded the exemption to other law enforcement titles.

Against this backdrop, DEP requests a retroactive appointment for Conte. It explains that Conte was appointed to the noncompetitive title of Security Officer on February 13, 2021, and then completed his police academy training and received a certification of completion from the Police Training Commission, dated November 22, 2021. DEP submits a copy of the certification of completion. Thereafter, Conte was appointed from the promotional eligible list for State Park Police Officer Trainee, DEP (PS6917G), effective June 4, 2022. It is noted that candidates for the State Park Police Officer Trainee title could be tested via the LEE.

DEP maintains that, due to the relative newness of the law and its unfamiliarity with how the Alternate Route Program worked, Conte did not receive an appointment in an expeditious manner as a result of its oversight. Thus, it submits that Conte should have received an appointment as a State Park Police Officer Trainee and began his working test period on the first day of the pay period after the law took effect, which would have been on November 22, 2021. Accordingly, DEP requests that Conte receive a retroactive appointment and be considered to have commenced his working test period on that date.

## CONCLUSION

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

In the present matter, the administrative delay or oversight of DEP has provided good cause to grant Conte a retroactive appointment date. His appointment on November 22, 2021, would clearly have been approved had DEP submitted his appointment for recording via the Alternate Route Program. The law at that time required that a person successfully complete a full Basic Course for Police Officers training course in order to be appointed without taking the LEE. Conte has done just that and DEP has provided his certification of completion issued by the Police Training Commission.<sup>2</sup> Thus, good cause has been demonstrated to grant a retroactive regular appointment date, effective November 22, 2021.

Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, they received a later appointment date. However, in this case, it is also

---

<sup>2</sup> The job specification for State Park Police Officer Trainee indicates that appointees must satisfactorily complete a Basic Police Training Course approved by the Police Training Commission during their 12-month training period as a State Park Police Officer Trainee. In the present matter, Conte completed the training course prior to his regular appointment to the State Park Police Officer Trainee title.

appropriate to consider the retroactive date as the date that Conte's working test period began. In that regard, *N.J.A.C. 4A:4-5.2(a)* in relevant part states that the working test period shall begin on the date of regular appointment. Since the Commission has granted a regular appointment to Conte, and based on DEP's representation, his working test period shall be considered to have commenced on November 22, 2021.


By requesting such action, DEP has presented that Conte has been successful in his working test period. Thus, his appointment is considered permanent, for seniority, salary step, and examination eligibility purposes. *See e.g., In the Matter of Winfred L. Christy, Police Officer (M1847M). Borough of Lindenwold (MSB, decided January 15, 2003)*. Conte may advance to the State Park Police Officer title as he now has completed the 12-month training period for State Park Police Officer Trainee, as well as the working test period for a law enforcement officer. *See N.J.A.C. 4A:4-5.2(d)*, which provides in part that persons appointed to entry level law enforcement titles shall serve a 12-month working test period. DEP and the Division of Agency Services may record Conte's advancement to State Park Police Officer on the appropriate date, and Conte would be entitled to differential back pay from that date to the present provided that he was performing the duties of a State Park Police Officer. If he was not, then the date of his advancement would be utilized for seniority and salary step purposes only. Moreover, he would have to begin serving a current working test period as a State Park Police Officer.

### ORDER

Therefore, it is ordered that this request be granted and the regular appointment of Skyler Conte to the title of State Park Police Officer Trainee be recorded, effective November 22, 2021. It is further ordered that Skyler Conte's advancement to State Park Police Officer be recorded in accordance with this decision.

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 3<sup>RD</sup> DAY OF MAY, 2023



---

Allison Chris Myers  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Skyler Conte  
Phiroza Stoneback  
Division of Agency Services  
Division of Human Resource Information Services  
Records Center