



STATE OF NEW JERSEY

In the Matter of Robert Dodson,
Deputy Police Chief (PM4472F),
Atlantic City

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

CSC Docket No. 2024-953

Administrative Appeal

ISSUED: November 27, 2024 (SLD)

Robert Dodson, a Police Captain, appeals his ineligibility for the promotional examination for Deputy Police Chief (PM4472F), Atlantic City.

By way of background, the appellant's name appeared as the sixth ranked veteran eligible on the December 28, 2022 certification (PL231319) from the promotional eligible list for Police Captain (PM4445C), Atlantic City. The appointing authority returned the certification, removing the appellant's name on the basis that he had been removed from employment.¹ In *In the Matter of Robert Dodson, Atlantic City, Police Department* (CSC, decided April 11, 2024), the appellant's removal was reversed, and he was reinstated to employment, effective April 21, 2024. Subsequently, the appellant's name was restored to the PM4445C eligible list, and his name was added to the March 20, 2024 (PL240485) certification from the PM4445C eligible list. In disposing of the certification, the appellant was appointed effective June 10, 2024, with a retroactive appointment date for seniority purposes, effective December 28, 2022.²

The appellant applied for the promotional examination for Deputy Police Chief (PM4472F), which was announced open to applicants who possessed one year of

¹ The appellant appealed his removal from the PM4445C eligible list, which was held pending a final decision of his appeal regarding his removal from employment.

² The December 28, 2022 date was used as it was the same date as the eligibles who were appointed from the PL231319 certification received.

continuous permanent service as of the October 31, 2024 closing date, in the title of Police Captain. The appellant was deemed ineligible, as he did not possess one year of permanent service in the title of Police Captain, as of the October 31, 2024 closing date.

On appeal, the appellant requests that he be admitted to the Deputy Police Chief (PM4472F) examination as he has received a retroactive appointment, effective December 28, 2022. The appellant argues, in relevant part that, but for his improper removal from employment, as well as his initial removal from the December 28, 2022, certification (PL231319) he would have been appointed December 28, 2022, and is therefore eligible for the subject examination.³

The appointing authority indicates that it has no objection to the appellant participating in the examination for Deputy Police Chief.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(a)1 provides, in pertinent part, that applicants for promotional examinations shall 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.

The subject examination required applicants to possess one year of continuous permanent service in the title of Police Captain, as of the October 31, 2024 closing date. However, as the appellant was only appointed to the title of Police Captain, effective June 10, 2024, he was correctly found to not possess one year of permanent service in that title. Although, the appellant argues that, he should be admitted as he received a retroactive appointment to December 28, 2022, the Civil Service Commission (Commission) does not agree. In this regard, it is noted that the retroactive appointment date was approved by this agency for seniority purposes only. Moreover, in order to meet the one-year of permanent service, an applicant must have actually service in and performed the duties of the required title for that one-year period of time. In other words, the requirement requires actual service, and not merely a retroactive appointment for seniority purposes. *See also, In the Matter of Albert Giordano* (MSB, decided January 26, 2005) (An employee must actually

³ In particular, the appellant argues that his removal from employment was changed to “suspended with pay” in October 2023, and therefore, his removal from the Police Captain eligible list was improper. However, the record reveals that a Final Notice of Disciplinary Action (FNDA), was issued on September 27, 2022, removing the appellant from employment on charges. However, the appellant was reinstated to the payroll only, pursuant to *N.J.S.A.* 40A:14-201, which requires, in relevant part, certain law enforcement officers to begin receiving their base salary on the 181st calendar day, after being terminated, until a final determination on the termination is rendered. However, this is not considered to be reinstatement to employment. As such, the appellant was still considered to have been removed from employment at the time of the disposition of the certification.

serve in and perform the duties of the title to which the examination is open during the requisite year in grade in order to establish eligibility); *In the Matters of David J. Barrett, et al.* (MSB, decided November 19, 2003) (Individuals who received retroactive appointment dates to the Fire Lieutenant and Fire Captain titles but who did not meet the time-in-grade service requirements as of the closing date of the announcement were not entitled to sit for the examinations for Fire Captain and Deputy Fire Chief); *In the Matter of Daniel O. Erickson* (MSB, decided January 11, 2006). Therefore, as only the actual time in grade is considered for eligibility purposes, the appellant was properly deemed ineligible for the promotional examination for Deputy Police Chief (PM4472F), Atlantic City.

Finally, the appellant also asserts that his removal from the December 28, 2022 certification (PL231319) from the promotional eligible list for Police Captain (PM4445C), was improper and thus, warrants his admission to the promotional examination for Deputy Police Chief (PM4472F). However, the Commission does not agree. Although the appellant's removal from employment was ultimately reversed, that does not change that his removal from the December 28, 2022 certification (PL231319) from the promotional eligible list for Police Captain (PM4445C) eligible list was proper at the time of the disposition of the certification.

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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 27TH DAY OF NOVEMBER, 2024



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