

**STATE OF NEW JERSEY**

In the Matter of Anthony Goodell and
Jim McDonald, Police Lieutenant,
Phillipsburg

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

Administrative Appeal

CSC Docket Nos. 2025-202, *et al.*

ISSUED: September 25, 2024 (JH)

Phillipsburg, represented by Wade T. Baldwin, Esq., requests that Anthony Goodell and Jim McDonald be assigned retroactive appointment dates to the Police Lieutenant title. Anthony Goodell also appeals his seniority score and final average on the promotional examination for Police Captain (PM3498E), Phillipsburg.

By way of background, the eligible list for Police Lieutenant (PM0735V), Phillipsburg, which promulgated on March 8, 2018 and expired on March 7, 2022, contained the names of four eligibles, in the following order: Anthony Goodell, Jim McDonald, Douglas Baylor and Christopher Bittenmaster.¹ The first and only certification of the PM0735V eligible list was issued on July 21, 2021 (Certification No. PL210738) and contained the names of all four eligibles. In disposing of the certification, Phillipsburg appointed the eligibles appearing in the first and second certification positions, Goodell and McDonald, effective July 21, 2021.

In its request, Phillipsburg indicates that Goodell was promoted to the rank of Lieutenant on February 1, 2021 and McDonald on April 1, 2021, but the certification was not issued until July 21, 2021. In support of its request, Phillipsburg submits copies of Personnel Action Forms which indicate Goodell's appointment as a Police Lieutenant effective February 1, 2021, and McDonald's appointment effective April 1, 2021; copies of Wage History sheets for Goodell, which indicates on the line for February 1, 2021, "Promotion from Sergeant to Lieutenant 2021" and an increase in

¹ Baylor and Bittenmaster tied at rank 3.

his salary, and for McDonald, which indicates on the line for April 1, 2021, “Promotion from Sergeant to Lieutenant 2021” and an increase in his salary.

CONCLUSION

A retroactive appointment date “for seniority purposes only” may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C. 4A:4-1.10(c)*. The “for seniority purposes only” appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (Merit System Board, decided September 5, 1991).

In the instant matter, the record establishes that Goodell and McDonald appeared on the eligible list for Police Lieutenant (PM0735V), Phillipsburg as the first and second ranked eligibles, respectively. However, due to an administrative error, Phillipsburg failed to request a certification at the time it appointed Goodell and McDonald to Police Lieutenant on February 1, 2021 and April 1, 2021, respectively. Nevertheless, had a certification been issued at the time of their appointments, they would have been reachable for appointment. Furthermore, the appointing authority verifies that Goodell and McDonald had been performing Police Lieutenant duties since February 1, 2021 and April 1, 2021, respectively. Therefore, based on the foregoing, it is appropriate to grant retroactive dates of permanent appointment to Goodell as Police Lieutenant effective February 1, 2021, and McDonald effective April 1, 2021, for seniority and record keeping purposes.

With respect to the seniority scores and final averages for Goodell and McDonald for the promotional examination for Police Captain (PM3498E), Phillipsburg, as noted in the 2023 Police Captain Orientation Guide, a candidate’s final score (and rank) on the subject test consists of two weighted parts: the test score and the seniority score. The seniority score includes length of service, which is the time from the regular appointment date to the eligible title (*i.e.*, Police Lieutenant), to the closing date of the announcement, September 30, 2023, minus the time spent on suspensions, layoffs, and deductible leaves of absence without pay.² For the subject test, seniority was weighted at 30% and the test score is weighted at 70%. A candidate’s seniority is combined with his or her test score to produce the final average. The seniority scores for both Goodell and McDonald were calculated using the July 21, 2021 appointment date. As such, once their employment records have been updated to reflect Goodell’s appointment date to the Police Lieutenant title

² *See N.J.A.C. 4A:4-2.16.*


effective February 1, 2021, and McDonald effective April 1, 2021, their seniority scores and final averages for the PM3498E examination should be recalculated.

ORDER

Therefore, it is ordered that this request be granted and Anthony Goodell receive a date of permanent appointment to the Police Lieutenant title effective February 1, 2021, and Jim McDonald to April 1, 2021, and all of their seniority based benefits be adjusted accordingly. It is further ordered that seniority scores and final averages for Goodell and McDonald for the Police Captain (PM3498E), Phillipsburg, examination be recalculated and that they be notified of their final scores and ranks.

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 25TH DAY OF SEPTEMBER, 2024



Allison Chris Myers
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: Wade T. Baldwin, Esq.
Randy Piazza
Anthony Goodell (2025-202; 2024-2267)
Jim McDonald (2025-492)
Division of Agency Services
Records Center