



STATE OF NEW JERSEY

In the Matter of Ryan Cichon,
Borough of Pompton Lakes

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

CSC Docket No. 2026-1758

Request for Interim Relief

ISSUED: September 2, 2026 (SLK)

Ryan Cichon, a Police Captain with the Pompton Lakes Police Department, represented by Gina Mendola Longarzo, Esq., petitions the Civil Service Commission (Commission) for interim relief regarding his immediate suspension without pay commencing on April 11, 2025.

By way of background, on May 23, 2024, the Passaic County Prosecutor's Office advised that after an investigation concerning allegations against the appellant, it found insufficient evidence to continue a criminal investigation. Thereafter, on July 12, 2024, the appointing authority issued the appellant a Preliminary Notice of Disciplinary Action immediately suspending him with pay concerning, among other allegations, that he was untruthful and falsified police records. Subsequently, on April 11, 2025, the appointing authority changed the appellant's suspension with pay to a suspension without pay.

In the appellant's request for interim relief, he states that there were no new facts that warranted changing his suspension to be without pay. He claims that the appointing authority only did so because in another officer's civil complaint against the appointing authority, there was a footnote that indicated that the appellant would soon be filing his own tort claim notice. Additionally, the appellant states that while the appointing authority claimed that the change in pay status was due to his delays regarding a departmental hearing, he claims most of the delays were caused by the appointing authority, such as failing to timely provide requested discovery and

adjourning a March 18, 2025 hearing date. The appellant provides that from April 11, 2025 through May 8, 2025, the hearing was delayed solely due to the appointing authority's actions causing him to be without legal counsel due to a non-meritorious attempt at disqualification, and the postponements were set through joint agreement. The appellant indicates that hearing day one occurred on May 8, 2025 and hearing day two on May 21, 2025. He states that hearing day three was scheduled for June 18, 2025, but it was cancelled due to the hearing officer's unavailability. The appellant presents that hearing day three occurred on June 30, 2025, day four occurred on July 31, 2025, and day five occurred on August 28, 2025. He provides that day six was scheduled to commence on September 16, 2025 but was postponed by both parties when they were unsuccessful in obtaining a court reporter. The appellant indicates that he postponed day six on October 30, 2025 due to his counsel's medical emergency. He presents that day six was held on October 31, 2025 and day seven on November 17, 2025. The appellant states that a scheduled hearing on November 24, 2025 did not occur. Instead, he provides that from November 18, 2025, the parties were awaiting hearing transcripts and agreed to a post briefing schedule through February 25, 2026. Therefore, the appellant asserts that through February 25, 2025, there were 322 unpaid suspension days, which excludes the one day that his counsel requested adjournment. Accordingly, he contends that he should have been placed on paid status on October 9, 2025, which was 181 days from April 11, 2025, or November 5, 2025, if you exclude the time that his counsel was disqualified due to claims against him from the Police Chief. The appellant notes that he was still being paid through November 28, 2025 because the appointing authority forced him to use compensation time. However, he asserts that this is of no significance, and once he exhausted his time, he was placed on unpaid status effective November 29, 2025. Further, he indicates that he now has to also contribute to his health and dental benefits.

The appellant presents that under *N.J.S.A. 40A:14-201*, a law enforcement officer cannot remain on unpaid status for more than 180 days. Therefore, as October 9, 2025 was the 181st day that he has been unpaid, he argues that he must be returned to paid status pending a final determination of his appeal. He reiterates that he only requested an adjournment one time, which was on October 30, 2025. Consequently, the appellant requests base pay from October 9, 2025 (or November 5, 2025 if you exclude the time that his attorney responded to the attempt to disqualify him) through reinstatement or a final determination. Concerning any argument that *N.J.S.A. 40A:14-201* is inapplicable because there was a pending criminal matter, he notes that the prosecutor's office already found that there was "insufficient evidence" to establish a crime.

The appellant contends that he meets that standard for interim relief since he is likely to succeed since he had been on unpaid status for more than 180 days which violates *N.J.S.A. 40A:14-201*. Additionally, he provides that he is in danger of immediate harm because his pay has been wrongfully withheld for more than 180

days (almost a year), and he also faces the potential loss of his health insurance and other benefits. Further, the appellant highlights that it was the legislature who passed a law to guard against law enforcement officers being subject to long delays while kept in unpaid status. Moreover, he contends that the appointing authority is not subject to substantial injury before forcing it to comply with the law, and it is in the public's interest that law enforcement agencies comply with this law.

In response, the appointing authority, represented by Boris Shapiro, Esq., presents that the appellant has been in paid status through November 28, 2025, the first by way of a paid suspension through April 11, 2025, and thereafter by way of paid compensatory time, which the appellant elected to use. It states that it changed his pay status to unpaid due to delays in the resolution of the hearing.

The appointing authority indicates that in its April 14, 2025 letter in response to the appellant's letter which disagreed with the change in his pay status, it advised the appellant that it was changing his pay status to unpaid because he adjourned the hearing multiple times causing a delay in the resolution of the pending charges. It notes that it still allowed the appellant to continue to maintain health insurance by only making a one and one-half percent contribution, which is much cheaper than COBRA. Further, the appointing authority provides that it allowed the appellant to use compensatory time while on unpaid status, which he voluntarily elected to do. The appointing authority highlights that it presented its case on May 8, 2025, while the remaining six hearing days through November 17, 2025 were for the appellant's defense.

The appointing authority contends that the appellant has not met the standard for interim relief. It asserts that the appellant is not likely to succeed on the merits because it has not violated the 180-day rule. The appointing authority indicates that the decision to convert a suspension to be without pay is within its discretion. It notes that the appellant has not presented any evidence to demonstrate that the charges against him will be dismissed. Further, the appointing authority argues that the 180-day rule does not apply since there was an allegation that the conduct violated the State's criminal laws as knowingly making a false government record is a crime. In this case, the allegation was that the appellant falsified jail cell inspection records. While the appointing authority acknowledges that the prosecutor's office found insufficient evidence to find that the appellant was guilty beyond a reasonable doubt, it provides that its investigation found that the preponderance of evidence supported sustaining the charges. It emphasizes that during the internal affairs investigation, the appellant's counsel stopped the interview and requested immunity to ensure that the appellant's answers could not be used against him in a criminal proceeding, which is further evidence that the matter involved a criminal allegation. Similarly, the appointing authority notes that the appellant did not take the stand in his own defense to ensure that he did not provide self-incriminating testimony during the departmental hearing. Additionally, for the sake of argument, the appointing

authority believes that even if the 180-day rule does apply, it states that as the appellant was paid through November 28, 2025, the 180-day period was tolled until he exhausted his paid compensatory time. Moreover, the appointing authority indicates that the last hearing date was November 17, 2025, and at the conclusion of the hearing, the parties agreed to postpone setting a submission date of post-hearing briefs pending the receipt of transcripts from the court reporter and agreed upon postponement does not count towards the 180-day clock. It provides that the transcripts were received on January 11, 2025. Therefore, through March 2, 2025, the date of its response in this matter, only 50 calendar days elapsed. Thus, the appointing authority believes that the appellant's request is premature.

Regarding the claim that the appellant is suffering immediate and irreparable financial harm, the appointing authority notes that there is nothing in the record concerning the appellant's savings or other means to support himself. Further, the appellant has been paid until November 28, 2025. Similarly, it notes that the appellant has been allowed to keep his health insurance by only making a small contribution. Moreover, the appointing authority provides that monetary damages are not considered irreparable harm since he will receive back pay if he is reinstated. Finally, it believes that it is in the public interest that the appellant remains in unpaid status because if the charges are upheld, there is no seamless way for it to be reimbursed, which will most likely lead to a costly legal process to collect.

Referring to the appellant's claim that the appointing authority was the cause for most of the hearing delays, the appointing authority provides that the hearing dates in April 2025 were adjourned by the appellant's counsel so that she could appear before the Administrator of the State PBA Legal Protection Plan, who had taken issue with a civil lawsuit that she filed against the appointing authority, where she, as a PBA defense attorney, made unsavory claims against fellow PBA members. It emphasizes that contrary to the appellant's claim, that matter was not initiated by the Police Chief as he never lodged such a complaint. The appointing authority also states that the appellant requested that the August 28, 2025 hearing be adjourned early, and he requested that the September 9, 2025 date be adjourned due to his counsel's conflict. Additionally, it indicates that the appellant's counsel adjourned the September 16, 2025 hearing, over the appointing authority's objection, because his counsel could not obtain a court reporter for that date. The appointing authority emphasizes that seven out of eight adjournments were made by the appellant where the appointing authority only adjourned the March 18, 2025 date. It highlights that it rested its case on May 8, 2025, and the remaining hearing dates through November 17, 2025, spanning over six months, were for the appellant's defense.

Additionally, the appointing authority refutes the appellant's claim that his suspension was changed to unpaid because he was planning on filing a lawsuit against it. Rather, it was changed because the appointing authority became frustrated with the appellant's delays. Finally, while the appellant claims that the

appointing authority never responded to his claim that the 180-day time had elapsed, the appointing authority presents its October 21, 2025 response indicating that it did not agree with the appellant's position.

In reply, the appellant presents that as of March 9, 2026, he has been in unpaid status for 335 days. He presents *In the Matter of John Arrington* (CSC, decided April 28, 2021)¹ which indicated that the underlying charges have no bearing on the 180-day rule. The appellant highlights that the Civil Service Commission (Commission) emphasized that if the removal was ultimately upheld, the appellant would need to reimburse the appointing authority. It also provides other case law to support the finding that the inability to pay bills can be immediate and/or irreparable harm.

CONCLUSION

N.J.A.C. 4A:2-1.2(c) provides the following factors for consideration in evaluating petitions for interim relief:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm;
3. Absence of substantial injury to other parties; and
4. The public interest.

N.J.S.A. 40A:14-201 provides in pertinent part that:

a. When a law enforcement officer employed by a law enforcement agency or a firefighter employed by a public fire department that is subject to the provisions of Title 11A of the New Jersey Statutes is suspended from performing his official duties without pay for a complaint or charges, other than (1) a complaint or charges relating to the subject matter of a pending criminal investigation, inquiry, complaint, or charge whether pre-indictment or post indictment, or (2) when the complaint or charges allege conduct that also would constitute a violation of the criminal laws of this State or any other jurisdiction, and the law enforcement agency employing the officer or the public fire department employing the firefighter seeks to terminate that officer's or firefighter's employment for the conduct that was the basis for the officer's or firefighter's suspension without pay, a final determination on the officer's or firefighter's suspension and termination shall be rendered within 180 calendar days from the date the officer or firefighter is suspended without pay.

¹ The appointing authority states that it could not respond to *Arrington*, *supra* and other unpublished cases that it did not have access to. In further reply, the appellant submits *Arrington* and other unpublished cases referenced in its supplemental brief.

If a final determination is not rendered within those 180 days, as hereinafter calculated, the officer or firefighter shall, commencing on the 181st calendar day, begin again to receive the base salary he was being paid at the time of his suspension and shall continue to do so until a final determination on the officer's or firefighter's termination is rendered.

b. The 180 calendar day period shall commence on the date that the officer or firefighter is suspended without pay and shall be calculated as follows:

- (1) The calendar days that accrue between the date the officer or firefighter is terminated by his employing agency or department and the date on which the officer or firefighter files his appeal of his termination with the Office of Administrative Law shall not be used in calculating the date upon which the officer or firefighter is entitled, pursuant to subsection a. of this section, to receive his base salary pending a final determination on his appeal;
- (2) If the officer or firefighter or his representative requests and is granted a postponement of a hearing or any other delay before the 181st calendar day, the calendar days that accrue during that postponement or delay shall not be used in calculating the date upon which the officer or firefighter is entitled, pursuant to subsection a. of this section, to receive his base salary pending a final determination on his appeal;
- (3) If the officer or firefighter or his representative causes by his actions a postponement, adjournment or delay of a hearing before the 181st calendar day, the calendar days that accrue during that postponement, adjournment or delay shall not be used in calculating the date upon which the officer or firefighter is entitled, pursuant to subsection a. of this section, to receive his base salary pending a final determination on his appeal;
- (4) If the officer and the agency or the firefighter and the department agree to any postponement or delay of a hearing before the 181st calendar day, the calendar days that accrue during that postponement or delay shall not be used in calculating the date upon which that officer or firefighter is entitled, pursuant to subsection a. of this section, to receive his base salary pending a final determination on his appeal; or

(5) If the administrative law judge or Civil Service Commission for good cause postpones or delays a hearing before the 181st calendar day, the calendar days that accrue during that postponement or delay shall not be used in calculating the date upon which that officer or firefighter is entitled, pursuant to subsection a. of this section, to receive his base salary pending a final determination on his appeal.

c. If an officer or firefighter who is receiving full pay pending a final determination on an appeal in accordance with the provisions of subsection a. of this section requests and is granted, or who otherwise causes by his actions a postponement, adjournment, or delay of a hearing, or whose representative requests and is granted, or who otherwise causes by his actions a postponement, adjournment or delay of a hearing, that officer or firefighter shall not be entitled to receive his base salary during the period of that postponement, adjournment, or delay.

N.J.S.A. 40A:14-201(a) provides that an employing agency or department subject to the provisions of section 2 of P.L.2009, c.16 (C.40A:14-201) shall conduct a hearing on the complaint or charges within 30 days of the date on which the officer or firefighter was suspended, unless (1) the officer or firefighter agrees to waive his right to the hearing or (2) the parties agree to an adjournment to a later date. As provided in paragraphs (2) and (4) of subsection b. of section 2 of P.L.2009, c.16 (C.40A:14-201), the calendar days that accrue during any such waiver or agreement to adjourn shall not be used in calculating the date upon which the officer or firefighter is entitled, pursuant to subsection a. of section 2 of P.L.2009, c.16 (C.40A:14-201), to receive his base salary pending a final determination on the officer's or firefighter's appeal.

N.J.A.C. 4A:2-2.4(b) provides that in local service, the appointing authority may provide a suspension with or without pay.

N.J.A.C. 4A:2-2.10(d) provides that back pay shall include unpaid salary, including regular wages, overlap shift time, increments and across-the-board adjustments. Benefits shall include vacation and sick leave credits and additional amounts expended by the employer to maintain his or her health insurance covering the period of improper suspension or removal.

N.J.A.C. 4A:2-2.13(h) provides, in pertinent part, that if the Commission fails to render a final administrative determination of an appeal of an officer's removal from employment within the required 180 days, the appellant shall begin receiving the base salary that he or she was receiving at the time of his or her removal and shall continue to receive such salary until the Commission renders a final

administrative determination, provided, however, that the following days shall not be counted toward the 180-day period:

- (2) The period of agreed-upon adjournment of a departmental hearing;
- (7) The period of time during which the appellant or his or her attorney or negotiations representative causes by his or her actions a postponement, adjournment or delay of a hearing; and
- (8) The period of time for which the appellant or his or her attorney or negotiations representative agrees with the appointing authority to a postponement or delay of a hearing.

In reviewing this matter, it is not necessary to address the merits of the charges against the petitioner. Rather, the issue to be determined is whether the appellant is entitled to receive base pay prior to the matter's final disposition.

Initially, the appointing authority argues that *N.J.S.A. 40A:14-201* is not applicable because it charged the appellant with a potential criminal charge. However, the record indicates that in a May 23, 2024 letter, the Passaic County Prosecutor's Office advised the appointing authority that there was insufficient evidence to continue a criminal investigation or prosecution. Therefore, at that point, the charges that were issued against the appellant could not be considered an allegation of a violation of a criminal law and the 180-day rule is applicable. Further, the appointing asserts that the appellant was on paid status through November 28, 2025 because he was afforded the opportunity to use compensatory time. However, *N.J.A.C. 4A:2-2.10(d)* defines back pay as unpaid salary and benefits shall include leave time. Therefore, as the record indicates that the appellant's suspension was without pay, effective April 11, 2025, it is of no relevance in calculating the 180-day rule that he was receiving monetary benefits using compensatory time as he was not being paid his salary. Referring to the appellant's arguments that there was no basis for the appointing authority to change the appellant's suspension from being paid to unpaid, under *N.J.A.C. 4A:2-2.4(b)*, it was within the appointing authority's discretion to change the appellant's suspension to without pay regardless of its rationale.

In this matter, the record indicates that the appellant's suspension was changed to unpaid, effective April 11, 2025, and the appointing authority immediately scheduled departmental hearing dates. However, due to an issue that was raised by the Administrator of the State PBA Legal Protection Plan, either the appellant requested or the parties mutually agreed to postpone the first departmental hearing date until May 8, 2025. The appointing authority indicates that it rested its case on that date. However, the appellant requested a number of additional dates so that it could present its case during the department hearing. The record indicates

that over a six month period, there was a number of mutually agreed upon dates for the appellant to present its case, with the last hearing date held on November 17, 2025. Additionally, there was a subsequent agreement to order hearing transcripts and an agreement to a post-hearing briefing schedule through February 23, 2026, which was then extended to at least March 9, 2026.² In other words, since the appellant's April 11, 2025 suspension without pay, there is nothing in the record that indicates that the appointing authority delayed in any manner. Rather, the appellant chose to present an extensive case during the departmental hearing phase and due to mutually agreed upon dates, the process has taken almost a year to this point. Therefore, under *N.J.A.C. 4A:2-2.13(h)*, this time does not count towards the 180-day rule as this time is based on either mutually agreed upon dates and/or the appellant's choice to present such an extensive defense during the departmental hearing phase. Concerning the appellant's reference to *Arrington, supra*, that case is distinguishable as that matter involved an appellant who requested a departmental hearing on April 17, 2020 and the departmental hearing was scheduled to be March 30, 2021, if it even took place. In this case, the initial hearing date was scheduled on April 11, 2025, the date that the suspension without pay became effective. Then, there were a number of mutually agreed upon adjournments with the length of the process caused by the appellant's strategy to extensively litigate during the departmental phase. Accordingly, the appellant has not demonstrated that he is likely to succeed on the merits that there has been a violation of the 180-day rule at this time.

However, it is noted that the appellant has now filed an appeal of his discipline to the Commission and the matter has now been transmitted to the Office of Administrative Law (OAL) as a contested case. Accordingly, he can also raise the 180-day rule at the OAL.

ORDER

Therefore, it is ordered that this request be denied.

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

² There is nothing in the record concerning time after March 9, 2026.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF SEPTEMBER, 2026



Mary Cruz
Acting Chair/Chief Executive Officer
Civil Service Commission

Inquiries
and
Correspondence

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

c: Ryan Cichon
Gina Mendola Longarzo, Esq.
Michael Carelli
Boris Shapiro, Esq.,
Division of Human Resource Information Services
Records Center